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Wednesday, September4, 1974
Bhadra 13, 1896 (Saka)

LOK SABHA DEBATES

(Eleventh Session)

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LOK SABHA

Wednesday, September 4, 1974/Bhadra 13, 1896 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

RE ADJOURNMENT MOTIONS

SEVERAL HON. MEMBERS *rose*—(*Interruptions*).

MR. SPEAKER: All of you please sit down.

SHRI SAMAR GUHA (Contai): There is a report in the *Hindustan Times* that with the permission of the Speaker a case has been filed. Before the business of the House starts, it is absolutely necessary to know whether this report is correct or not.

अध्यक्ष महोदय यह आप क्या कहते हैं, कुछ समझ मे नहीं आता है। आप रोज ऐसे ही शुरू करते हैं।

SHRI SAMAR GUHA: It is absolutely necessary that it is known whether it was done with your permission or not because you are the Presiding Officer of the House and something very serious has come in the Press that with the permission of the Speaker a case has been filed and instituted. We are concerned with your honour and dignity because you are the custodian of the rights and privileges of this House.... (*Interruptions*).

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SHRI JYOTIRMOY BOSU (Diamond Harbour): I have given an adjournment motion.

SHRI SAMAR GUHA: The highest dignity of the House will be in the shadow of certain doubts and it is absolutely necessary that you should come out with a statement whether it is correct or not.

श्री जगन्नाथ राव जोशी (शाजापुर) : अध्यक्ष जी, मैंने 377 के अन्तर्गत अध्यादेश का मामला उठाया है। .. (व्यवधान)

SHRI JYOTIRMOY BOSU: You take up the adjournment motion as the Business Advisory Committee has failed to come to any decision and the business of the House has come to a standstill.

SHRI SHYAMNANDAN MISHRA (Begusarai): The BAC did not come to any decision and the Government cannot inflict on us anything they want.

SHRI JYOTIRMOY BOSU: She is not allowing discussion to take place. There are 21 forged signatures and this is a serious matter. Rule 190 empowers you to fix date also for the motion. I regret to say that the Prime Minister and Leader of the House has not thought it fit to uphold the dignity of the House. She is shielding her corrupt ministers.

MR. SPEAKER: Please sit down. How can it be a subject matter of an Adjournment Motion? How can that be a subject,—if the Business Advisory Committee does not come to some conclusion or some agreement? Order please...

SHRI JYOTIRMOY BOSU: It is a very serious matter.

MR. SPEAKER: After all, there are procedures for it.

SHRI SHYAMNANDAN MISHRA: There is no business before the House. After all, we cannot function without the Business Advisory Committee coming to some conclusion.

MR. SPEAKER: I have to go by the rules.

SHRI JYOTIRMOY BOSU: You kindly explain why the Prime Minister is not allowing a debate which is already pending on the list.

MR. SPEAKER: If there is no agreement in the Business Advisory Committee how can that be a subject matter of Adjournment Motion. This is not a procedural issue. Please sit down. I am not allowing it.

श्री जगन्नाथ राव जोशी : अध्यक्ष जी, वाजपेयी ने एक प्रस्ताव दिया था.. (व्यवधान) और उस को आप ने स्वीकार किया था लेकिन उस के लिए कोई समय नहीं दिया गया है। उस के लिए आप समय दीजिए।

MR. SPEAKER: May I make a submission to all of you? After all, the procedures are laid down. If one procedure does not come into being, it does not mean that some Adjournment Motion or Censure or some other motion. I have yet to see any instance of this type. Order please.

SHRI JYOTIRMOY BOSU: I have a point of order.

MR SPEAKER: I have just made my observation about the position....

SHRI JYOTIRMOY BOSU: On a point of order.

श्री मधु लिमये (बांका) . मेरा व्यवस्था का प्रश्न है ... ।

SHRI JYOTIRMOY BOSU: A Committee of the House, namely, the Business Advisory Committee (which is supposed to fix and finalise the programme for the business of the House) has failed due to the adamant attitude of the Government to produce a report and to come to any kind of an agreement. Therefore it is a serious situation which has now come up before the House. The House should give its finding what should be done in such a case, when the BAC failed to reach a decision and give a report before the House and failed to finalise the programme.

MR. SPEAKER: The rules are very clear about it. There is nothing for the B.A.C's failure to come to an agreement. If you come with an adjournment motion or a censure motion against the Committee I do not agree with you.

SHRI JYOTIRMOY BOSU: I am sorry you have not gone through the root of the problem.

MR. SPEAKER: The report of the Committee comes before the House.

SHRI JYOTIRMOY BOSU: But, when a Committee of this House fails to perform its duty due to the adamant attitude taken by Government..

MR. SPEAKER: How do you say that it has failed to come to the conclusion? Simply because some Members have not come to any conclusion?

श्री मधु लिमये : मेरा प्वाइंट आफ आर्डर मेरे एडजर्नमेंट मोशन के बारे में है। वह इस प्रकार है

"The total failure of the Government to preserve the fredom of the press inasmuch as the Government has not secured the undelisting of 'Search Light' and 'Pradeep', the two Patna dailies, by the Bihar Government and has even failed to ensure the payment of the advertisement arrears due to these newspapers of nearly a million rupees."

प्रैस-स्वतन्त्रता का सवाल केन्द्र के दायरे में आता है। 10 लाख रुपये ले इन के एरियर हैं उस को भी चुकता करने से बिहार सरकार इन्कार कर रही है। तो प्रैस कौंसिल किस लिए है? उस की रिपोर्ट किस लिए बनी? नियम के अनुसार यह बिलकुल ऐडमिसिबल है।

(व्यवधान) ....

MR. SPEAKER: How can it come in the Order of Business of this House when it concerns the Bihar Government?

SHRI SHYAMNANDAN MISHRA: The freedom of the Press is within the jurisdiction of the Central Government. It does not lie with the State Government.

MR. SPEAKER: They have exercised their right.

श्री मधु लिमये : नया एडवर्टाइजमेंट नहीं दे रहे हैं, पुराने एडवर्टाइजमेंट का बकाया भी नहीं देंगे?

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष महोदय, आप का कहना यह है कि यह राज्य सरकार का मामला है। राज्य सरकार का मामला एक अर्थ में है लेकिन अगर व्यापक परिप्रेक्ष्य में देखें तो हमने संविधान के संरक्षण की शपथ ली है। संविधान में प्रैस की स्वतन्त्रता और वाक-स्वातन्त्र्य की गारंटी दी गई है। अब कोई राज्य सरकार यदि उस के खिलाफ काम करती है तो मानना होगा कि वह राज्य सरकार संविधान के अनुसार काम नहीं कर रही है।

अध्यक्ष महोदय अगर कोई संविधान के विरुद्ध काम करता है तो उस के लिए कोर्ट्स ओपेन हैं।

The courts are open to it. We are not here sitting as judicial courts to decide on these issues.

श्री अटल बिहारी वाजपेयी : नहीं, अध्यक्ष महोदय कोर्ट का मामला नहीं है, क्या यह सदन मूक दर्शक बना रहेगा? राज्य सरकार को केन्द्र निर्देश दे सकता है..

(व्यवधान)

अध्यक्ष महोदय . जो चीज स्टेट गवर्नमेंट के जूरिस्डिक्शन में हो उस पर हम यहां कैसे डिस्कशन कर सकते हैं?

SHRI SHYAMNANDAN MISHRA: We are here to see whether the Government is carried on in accordance with the provisions of the Constitution. Our Constitution clearly lays down that the freedom of the press would be guaranteed.

SHRI S. M. BANERJEE (Kanpur): Mr. Speaker, Sir, my point of order is on the adjournment motion submitted by my friend, Shri Bhogendra Jha.

MR. SPEAKER: I have got one with me and I have to deal with that first.

SHRI S M BANERJEE: Kindly hear me.

MR SPEAKER: How many of these matters can go together? After all, we have to take only one.

SHRI S M. BANERJEE: Sir, I want to make two submissions.

One is in regard to the adjournment motion regarding price rise and dehoarding campaign given notice of by Mr. Bhogendra Jha.

(*Interruptions*)

You can deal with the adjournment motion regarding Searchlight also. I am not against that.

श्री अटल बिहारी वाजपेयी : नहीं, अध्यक्ष महोदय, एक एक सवाल का फैसला दीजिए। एक एडजर्नमेंट मोशन दिया है श्री ज्योतिर्मय बसु ने बिजनेस एडवाइजरी कमेटी के बारे मे, दूसरा श्री मधु लिमये ने सर्च लाइट के बारे मे दिया है और तीसरा प्राइस राइज के बारे में है, एक एक का फैसला आप कीजिए।

MR. SPEAKER: About the Business Advisory Committee, there cannot be any adjournment motion merely because it has not come to any conclusion.

Mr. Banerjee, do not mix up matters.

SHRI S M. BANERJEE: Sir, kindly allow every one to complete.

MR. SPEAKER: There is complete confusion if one interrupts the other.

SHRI S M. BANERJEE: Kindly allow me to complete.

MR. SPEAKER: I allow you to complete.

SHRI S. M. BANERJEE: One is the adjournment motion regarding price rise. The second one is about the motion whether Business Advisory Committee has agreed to discuss any motion or not against the 21 Members of Parliament. We have tabled a motion, myself, Mr. Shyamnandan Mishra and others where neither the name of Mr. Chattopadhyaya nor the name of Mr. L. N. Mishra is mentioned. Sir, Prime Minister is here. We have tabled the motion under Rule 189. It says:

> "If the Speaker admits notice of a motion and no date is fixed for the discussion....

we have tabled the motion under Rule 189. This is a motion which has been admitted by you. It does not give the name of Mr. L. N. Mishra or Mr. Chattopadhyaya. No name is there. This is about the 21 Members. It says:

> "This House resolves to constitute a Committee of the House....

(*Interruptions*).

MR. SPEAKER: This is not a point of order. You are raising many other things.

SHRI S M. BANERJEE: Sir, the hon. Prime Minister is here. I would request that in the larger interest of Parliamentary democracy, the names of 21 Members of Parliament should be cleared of the charge of corruption which has been levelled. She should uphold them in the House. I would request her to say that a Parliamentary probe is a must and that it will be done.

SHRI H. N. MUKHERJEE (Calcutta—North-East): Sir, I recall the days of Mr. Mavalankar. He was very chary of admitting adjournment motions. Every time we gave notice of a motion, he would get up and say I have received notice of an adjournment motion' and the House would laugh because he was not going to accept it. Every time, he gave justification or the reasons for not admitting an adjournment motion. I would submit to you, if you have got notices of several adjournment motions including the one given notice of by my Mr. Jha and Mr. Madhu Limaye, you should see that the House is appraised of the reasons. It is possible that the House may express its views.

Secondly, I remember, in the first Parliament the Speaker, Mr. Mavalankar said that every decision of the Business Advisory Committee is such a highly responsible decision that the entire House stands by it. If a peculiar difficulty has arisen in the Business Advisory Committee and if, it has come to a pass that it cannot come to a decision, it means almost the death of Parliamentary functioning and this is a thing which has to be reported to the House. I am not a Member of the Business Advisory Committee. Certainly, I

would like to be told as a Member of the House that the Business Advisory Committee is not in a position to function because of certain reasons. This has happened because of the issue of corruption which is agitating the whole country and the case of 21 Members of Parliament which is hanging fire. It is necessary that we have an understanding that this discussion just has got to take place. There is also a feeling that when there are specific charges against the Ministers, in their own interest, to save themselves from the spiritual torture, the whole thing should be discussed. Therefore, it is very important that Mr. Bosu's motion and Mr. Limaye's motion, whatever they are trying to put forward are considered properly. I do not want the atmosphere to be muggy. I wish you proceed in such a fashion that the whole thing goes on smoothly so that we can subsequently discuss more seriously whatever we have.

PROF. MADHU DANDAVATE (Rajapur): Sir, I wish to point out to you that as far as the subject matter of the motion sought to be moved by Mr. Madhu Limaye is concerned....

MR. SPEAKER: Why do you mix up the issues?

PROF. MODHU DANDAVATE: Kindly allow me to make a submission. I have also given notice under Rule 377. We would agree with you if you say that these matters do not fall within the jurisdiction of the Centre. But, I wish to point out to you that as far as the question of Press Council is concerned, as far as communications is concerned, as far as freedom of Press is concerned and as far as the overall policy regarding advertisement is concerned, it is through that policy that they can cripple the freedom of Press. Therefore, from the point of view of fundamental rights, it is very necessary that that matter should be taken up.

You kindly go through the report that has been published in *The Times of India*.

MR. SPEAKER: I should make some observation. You never allow a pin to fall through. After all, I must deal with one and then proceed to the other.

PROF. MADHU DANDAVATE: I do not prevent a pin from falling through, but do not allow the adjournment motion to fall.

SHRI SAMAR GUHA: On a point of order.

MR. SPEAKER: On what?

SHRI SAMAR GUHA: Regarding the adjournment motion of Shri Madhu Limaye.

MR. SPEAKER: That is not before the House. There is another one before me.

SHRI SHYAMNANDAN MISHRA: Which is the first one?

SHRI JYOTIRMOY BOSU: Mine on the Business Advisory Committee's functioning. Let us proceed with it. It is about Government's failure to formulate an agreed programme of business in the Business Advisory Committee due to the difficult stand taken by it, as a result of which the Business Advisory Committee, which is a Committee of the House, failed to function. I consider this of prime importance because it poses a basic question and problem before the House as to when the Business Advisory Committee fails to come to an agreement and comes before the House with an agreed programme,

[Shri Jyotirmoy Bosu]

what should the House do? The House should deal with it and give its findings.

MR. SPEAKER: Let me dispose of this.

SHRI SHYAMNANDAN MISHRA: This is a very serious matter. We have come to a dead stop. Do you think we can proceed an inch from here now? Should it not be the prime concern of the House to find a way of functioning? We have come to a dead stop. There is a deadlock now. Should we not resolve this deadlock? That is the question.

MR. SPEAKER: Why are you posing like this? Mr. Jyotirmoy Bosu will please sit down.

श्री अटल बिहारी वाजपेयी : बिजिनेस एडवाइजरी कमेटी में कोई फैसला नही होता है तो कार्रवाई बन्द नही हो सकती है। यह माग की जा सकती है कि उसकी रिपोर्ट सदन के सामने आनी चाहिए। अगर डडलाक पैदा हो गया है तो उसका कोई हल निकालने के लिए क्या किया जा रहा है। हाउस को बताया नही गया है कि वहा क्या हुआ। अब आगे की कार्रवाई कैसे चलेगी।

अध्यक्ष महोदय वहा जो भी फैसला होता है वही हाउस के सामने आता है।

Only agreed decisions are brought before the House.

SHRI SHYAMNANDAN MISHRA: If there is no decision, if there is disagreement, what do you do?

MR. SPEAKER: Whatever has happened in the past will be followed as before.

SHRI ATAL BIHARI VAJPAYEE: It has to be reported to the House.

MR. SPEAKER: There are many matters on which there is no agreement. There are many matters over which there is agreement. But you cannot bring an adjournment motion because there is no agreement.

SHRI JYOTIRMOY BOSU: What is the basic of your list of business today?

SHRI PRABODH CHANDRA (Gurdaspur): Shri Jyotirmoy Bosu is a nuisance. He is wasting the time of the House. He should be expelled from the House. (*Interruptions*).

SHRI JYOTIRMOY BOSU: The hon. member should be given some steel permits.

SHRI SAMAR GUHA: On a point of order. I want to draw your attention to rule 289 in regard to the Business Advisory Committee. According to that rule the recommendations of the Committee shall be presented to the House in the form of a report. According to rule 290, at any time after the report has been presented to the House a motion may be moved that the House agrees or agrees with amendment or disagrees with the report.

MR. SPEAKER: There is no point of order involved in this.

SHRI SAMAR GUHA: It was the responsibility of the Minister of Parliamentary Affairs to place the report of the Business Advisory Committee on the Table of the House. This has not been placed. The House is not in possession of the fact whether there was any agreed report or not. Every Member has a right to know what is the business of the House, why some items had been included and why some other items had not been included.

MR. SPEAKER: That is why Members ask questions when the business of the House for the next week is announced; at that time we allow a few minutes to Members to ascertion why certain things are not included.

SHRI SAMAR GUHA: This is the last week of the session and we will not get that opportunity. Very extraordinarily important items had been included....

MR. SPEAKER: I have already made my observations.

SHRI SAMAR GUHA: The Minister of Parliamentary Affairs has issued a whip to Congress Members that very important matters are before the House and all the Members should be present. If that is so, it was incumbent on his part to place the report before the House; it should be accepted only on that basis and it should be proceeded with in the House only according to that.

SHRI BHOGENDRA JHA (Jainagar): I have moved an adjournment motion.

MR SPEAKER: Not at this stage: When your subject comes up you can have your point of order. A point of order must be related to the matter under discussion.

About the question of the Business Advisory Committee, as for the motion, I said that it come to the Speaker. The Speaker has got a right to examine it, accept it or not. Now the next procedure follows, that is the point on which discussion should start. There it is rule 290. That is done in consultation with the Leader of the House. For that consultation the Business Advisory Committee meets. The Parliamentary Affairs Minister is there. There is a general exchange of views, sometimes there is agreement, sometimes disagreement. There the Speaker does not come in. I preside; I mediate; I put before you the views. Normally decisions have been by unanimity. Sometimes there is no unanimity. Of course there is no rule that there must be unanimity, but in almost all cases, they have been coming like that. If there is some disagreement or no agreement about a subject, when the business for the next week is announced in the House, the members ask, "Why not that statement? Why not that Bill?" They have a right to ask it in the House. This is what we have been always following. If there is no agreement in the Business Advisory Committee, how can it be a subject-matter for an adjournment motion? Scores of subjects come up in the Business Advisory Committee. If there is disagreement on one of the, I fail to understand how it can be the subject-matter of an adjournment motion. The opposition asks for something If Government does not agree, the opposition comes with an adjournment motion'! After all, we have to go by fixed procedures.

SHRI SHYAMNANDAN MISHRA: We would like to have your guidance with regard to the business placed on the Order Paper today.

MR. SPEAKER: I am not going to enter into any argument about it.

SHRI SHYAMNANDAN MISHRA: Who allots the time for every item on the Order Paper? Here is an instrument created by the House under your Chairmanship, called the Business Advisory Committee, which has the function to allot time for every item The Business Advisory Committee has not made any allotment of time so far as the items on the Order Paper today are concerned. After the Business Advisory Committee was dispersing at the end of the meeting, we made it specifically and categorically clear that no agreement had been arrived at by the Business Advisory Committee. Therefore, there is zero time available for any business now, because the Business Advisory Committee has not

[Shri Shyamnandan Mishra]

allotted any time. I am trying to pose the issue for your guidance.

MR. SPEAKER: You are arguing with me and putting some hypothetical cases.

SHRI SHYAMNANDAN MISHRA: Here is a conundrum which we are finding difficult to sort out. Probably for the first or, may be, second time during the course of this session, the Business Advisory Committee has not come to any agreed decision. This is an unusual and unprecedented situation with which the House is confronted. Is it not the first duty of the House to find a way out of the deadlock? You, as the Chairman of the Business Advisory Committee, have a duty to see that this instrument created by the House is allowed to function. It is not functioning now.

MR. SPEAKER: Where is the power for me?

SHRI SHYAMNANDAN MISHRA: The House always functions on the basis of consensus and agreement in the Business Advisory Committee. If there is no consensus and agreement there, the House cannot function.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, मैं एक ऐसा मेम्बर हू जो बिजनेस एडवाइजरी कमेटी का सदस्य नही हू । क्या मैं यह नही जान सकता कि बिजनेस एडवाइजरी कमेटी की मीटिंग में क्या हुआ, किस मामले को लेकर एग्रीमेन्ट नही हुआ ? अध्यक्ष महोदय, क्या रूल 288 का आप का इन्टरप्रेटेशन यह है कि अगर लीडर आफ दि हाउस किसी मामले पर बहस करना नहीं चाहेंगी तो उस पर बहस नही होगी ? कन्सलटेशन का क्या मतलब है ? अभी तो यह भी पता नहीं है कि आप ने सचमुच उन को कन्सल्ट भी किया है या नहीं किया है । क्या पार्लियामेंट्री अफेअर्स के मिनिस्टर लीडर आफ दि हाउस बन गये है ? कन्सल्टेशन के बाद भी आप को यह देखना पड़ेगा कि वह विषय इस हाउस के हित में है या नही, सार्वजनिक हित में है या नही, या उस विषय पर चर्चा हो या न हो । मान लीजिए सरकार किसी मामले पर अड़ जाये और नही चाहे कि यहा पर उस की चर्चा हो, क्योकि उस मामले मे उन की पार्टी के कुछ मेम्बर फसे ए ऐसी हालत में क्या यहा पर चर्चा नही होगी ?

अध्यक्ष महोदय . मुझे बतलाइये इस के बारे में मेरे पास पावर्स कहां है ?

श्री अटल बिहारी वाजपेयी : रूल है —

"It shall be the function of the Committee to recommend the time tnat should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee."

आप ने 184 के अन्तर्गत हम लोगों के मोशन एडमिट किये हैं । वे मोशन्स बिजनेस एडवाइजरी कमेटी के सामने गये । जब उन के लिए टाइम एलाट करने का सवाल आया तो चूकि सरकारी पार्टी उन मोशन्स पर चर्चा नहीं कराना चाहती थी, इस लिए बिजनेस एडवाइजरी कमेटी में एग्रीमेन्ट नही हुआ । क्या यह आप का काम नही है कि आप देखें कि मोशन पर चर्चा कराना जरूरी है या नही है ?

MR. SPEAKER: Don't give me powers which I do not have in rules.

श्री अटल बिहारी वाजपेयी : क्या कन्सलटेशन का मतलब है कि प्रधान मंत्री का फैसला अन्तिम होगा ।

अध्यक्ष महोदय : कोई और नजर नही आता तो आप मुझे ही कहने लगे, बतलाइये मेरी पावर्स कहा है ?

I am bound by the rules.

SHRI H. N. MUKERJEE: It is a tragedy to hear from the Chair that the Chair is so helpless in this matter. (*Interruptions*).

MR. SPEAKER: If I do not stick to the rules, you say, "You have to go by the rules; you have no power". But in this matter, you say, I have the power.

I cannot listen to you all at the same time. Unless all of you sit down, I will not call any Member.

श्री शंकर दयाल सिंह (चतरा) : अध्यक्ष महोदय, बिजनेस एडवाइजरी कमेटी में अभी तय नही हुआ है कि कौन सी चीज सदन के सामने आयेगी और जब तक वहा यह तय नही हो जाता ... (व्यवधान)

SHRI H. N. MUKERJEE: I think, I have your permission to make a submission. (*Interruptions*).

MR. SPEAKER: I cannot listen unless the Members sit down.

श्री शंकर दयाल सिंह : 289 के अन्तर्गत सदन के सामने आना चाहिए तो क्या आना चाहिए ? जब तक यह तय नही हो जाता वहा पर .... (व्यवधान)

MR. SPEAKER: It is physically impossible to go on listening like this for the whole session, session after session. I am not made of steel. Everybody, you do like that. For hours, you go on like that. Then, you retire you sleep and, next morning, you do it again.

I am not going to call any Member unless all of you sit down.

श्री शंकर दयाल सिंह : बिजनेस एडवाइजरी कमेटी का गठन इसलिए किया जाता है कि सदन मे जो भी चीजें आयें उनके लिए बिजनेस एडवाइजरी कमेटी अपनी सिफारिश भेज दे । तो नियम 289 के अनुसार इन बातों को फिर से बिजनेस एडवाइजरी कमेटी की बैठक बुलाकर तय होना चाहिए और यहा सदन का समय बर्बाद नही होना चाहिए ।

श्री श्याम नन्दन मिश्र इनके सुझाव को हम मानते है, आप हाउस एडजर्न कीजिए ।

SHRI JYOTIRMOY BOSU: You adjourn the House.... (*Interruptions*).

MR. SPEAKER: I cannot listen to you.

श्री मधु दिमये . मैं एक अर्से से व्यवस्था के सवाल पर खडा हू, मेरी आवाज आपके कान तक नही पहुच रही है, आप मुझे रिकग्नाईज नही कर सकते हैं—यह कोई तरीका नही है ।

MR. SPEAKER: Unless you do it in a proper manner, I will not call anybody. This is not a proper way of doing it. You think this is a silent way of doing it?

PROF. MADHU DANDAVATE: He was silently standing for 15 minutes.

MR. SPEAKER: Prof. Hiren Mukerjee was already on his legs.

SHRI H. N. MUKHERJEE: There has been a difference of opinion in the Business Advisory Committee about a matter to be discussed which has already agitated the minds of the people both in the House and outside

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also. It is not going to be discussed on account of the Government standing in the way. Sir, I understand your difficulty; I do not want to add to the worries you have to carry. But, I think, you are the representative of the majesty of the people of our country and the rights of Parliament..... (*Interruptions*).

MR. SPEAKER: The majesty is being treated like this.

SHRI H. N. MUKHERJEE: Here is a matter of corruption.... (*Interruptions*). Unless it is discussed in this House, Parliament is going to be tarnished in the eyes of the people and in the eyes of the whole world. If that discussion is stopped only technically, because the Business Advisory Committee could not agree, it is a very serious thing. You can invoke your inherent power with the support of the House and the House can give you that special power for the time being—, whether government likes it or not, to have that matter discussed. That will be in the interest of Parliamentary functioning. What is the good of their having this enormous majority? Why is it that the Government is afraid of meeting this attack? (*Interruptions*). Why don't they believe in give-and-take? Why is it they are mum when so much attack is mounted against them? Why don't they have the guts to reply to us effectively? (*Interruptions*). Let us have a discussion. Let them come forward and agree to this. (*Interruptions*).

श्री मधु लिमये : अध्यक्ष महोदय, बिजनेस एडवाइजरी कमेटी की बैठक . .

MR. SPEAKER: You are on a point of order....

श्री मधु लिमये : मेरी आधी बात भी नहीं हुई, आपने शुरू कर दिया।

श्री शंकर दयाल सिंह : बिजनेस एडवाइजरी कमेटी की रिपोर्ट सदन के सामने नहीं है फिर बहस की क्या आवश्यकता है? मैं नहीं जानता किस रूल के अन्तर्गत यह बहस हो रही है।

MR. SPEAKER: I have asked him to let me know the point of order.

श्री मधु लिमये : अध्यक्ष महोदय, बिजनेस एडवाइजरी कमेटी में एक राय नहीं होती, जब वहां से सर्वसम्मत की रपट नहीं आती तब नियम 190 के अलावा हमारे पास कोई चारा नहीं है। मैं जानना चाहता हूं कि आपने जब कहा कि लाइसेंस स्कैंडल की जांच करने के लिए कोई प्रोसीजर तय करेंगे और डिप्टी स्पीकर ने यह आब्जेवेशन किया कि बाहर की कोई एजन्सी नहीं, सदन ही तय करेगा और हम लोगों के मोशन्स आपके सामने थे तो क्या आपने लीडर आफ दि हाऊस से कन्सल्टेशन किया था? क्या कंसल्टेशन का, सलाह का, मतलब है कि इनको वीटो पावर है? नियम 190 का आप क्या अर्थ लगाते हैं?

MR. SPEAKER: Everything has to be decided in the Committee.

देखिए, मैं आपकी बहुत इज्जत करता हूं लेकिन आप एकतर्फा हो जायें और जो बिल्कुल ही रीजनेबिल और सीधी बात नहीं गई हो उसको भी गलत बतायें तो वह बुरी बात है।

When the Rule is clear and we have been doing it and when the Business Advisory Committee through which the business of the House is fixed, has taken a decision, what can I do? I am sorry I cannot agree with you. (*Interruptions*).

SHRI VASANT SATHE (Akola): Will you listen to me also on this very point?.... (*Interruptions*).

MR. SPEAKER: I have given my ruling.

SHRI S. M. BANERJEE (Kanpur): I would only request you to kindly see the motion, myself and my other friends have given:

> "That this House resolves to constitute a Committee of the House consisting of 15 Members to be nominated by the Speaker to undertake an enquiry to identify the persons, circumstances and factors that have tended to lower the dignity of the House as a whole as a result of the alleged association of the names of some Members of the House with the letter of recommendation for the grant of licence to the parties referred to in the reply to Starred Question No. 730 in the Rajya Sabha on the 27th August, 1974."

You were kind enough to admit the motion under Rule 180 and if the Speaker admits a no-day-yet named motion, it shall immediately be notified in the Bulletin under the No-Day-Yet-Named Motion which you have very kindly done.

Then, the question comes, when no date has been fixed, what should we do? Under Rule 190:

> "The Speaker, may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion."

My point is that you have conceded previously that the discussion may be necessary and you, in your wisdom, assured that you will give a ruling.

Under the BAC's latest agreement, there will be no call attention motions, no short-notice question and no question-hour for discussing these matters. I, therefore, urge upon you and I request you as also the Leader of the House that in the larger interests of the Parliamentary democracy please call a meeting of the Business Advisory Committee meeting to-day and give us an opportunity. You may do anything but have a meeting at 5 or 6 O'clock to-day and let it be cleared and let the people know that we are not corrupt, and give us an opportunity.

SHRI JYOTIRMOY BOSU: The other one is based on the Kapur Commission's report, for the removal of Shri L. N. Mishra. The Prime Minister is sitting here.... (*Interruptions*).

SHRI VASANT SATHE: There is no need of generating any heat on this issue. If we follow the rules, there is a way out. Rules 289, 290 and the rule which was cited by Shri Madhu Limaye just now, Rule 190, if read together, suggest a way out.

There is already a procedure laid down. Now, under Rule 190, as has been pointed out,

> "The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion".

Now, you have to consider the business before the House. There, the BAC and Rule 289 come in. Under Rule 288, the function of the committee is to fix the business and then, under Rule 289, the recommendations are presented to the House.

This was one of the notices of motions admitted and they had to fix the times for the discussion. Therefore, if the B.A.C. under your Chairmanship has to give a report, under Rule 289, the Report of the Committee and the recommendations of the Committee should be presented to the House in the form of a Report. Then, Sir, follows Rule 290 which says that at any time after the report has been presented to the

[Shri Vasant Sathe]

House a Motion may be moved that the House agrees or disagrees or agrees with amendments tothe report. We don't know whether they had differences or not. If there was no agreement or agreement, the report does not talk of.

SHRI SAMAR GUHA: Where is the report? There is no report. That is the main point.

SHRI VASANT SATHE: That report will come only when the Business Advisory Committee comes to a conclusion. Our practice has been this. Every week, for the next week's business, the Minister of Parliamentary Affairs presents a report of the Business Advisory Committee for the next week. This was done last Friday. On that we discussed also certain matters. At the time when we discussed that last Friday, this item was not there. At the most, in the normal course, this should have come this Friday, coming Friday. So, on coming Friday, if this thing comes, we can discuss it. This is the procedure, this is the convention which we have all along been following, Sir. If the Members are so exercised and they want that there should be a report, earlier report, on which they would like to move an amendment and so on, well, it is for them to ask the Business Advisory Committee to decide this matter and submit report. There can be no Adjournment Motion for that. There is no provision in our rules.

SHRI P. G. MAVALANKAR (Ahmedabad): Rule 190 says that the Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion. I want your ruling on one point. During its meeting last Monday, the Business Advisory Committee, I understand, had before it several Motions and points for their consideration. These were brought before the Committee by various Members belonging particularly to the opposition. The rule says, you have to consult the Leader of the House, it may be either in the meeting itself or it may be in your chamber. If you have consulted the Leader of the House in the chamber, then please say, I have consulted her; if you have not done, I believe, this is something violative of Rule 190 before us. If there is no consultation with the Leader of the House, but with only the Minister of Parliamentary Affairs, this is not what is contemplated here. Sometime back we were told that the Minister of Parliamentary Affairs advises the Committee on behalf of the Leader of the House but, Sir, when there is disagreement and that disagreement is on vital matters and on matters of crucial importance, then, Sir, either you must directly consult the Leader of the House, or, if you find that even after consultation there is no agreement, then under Rule 190 you have no alternative but to use your own discretion in that matter and the discretion must be in favour of the discussion of a vital matter of public importance. That is my submission.

SHRI M. C. DAGA (Pali): Under Rule 189 only the Speaker can admit a Motion and no-day-yet-named motions.

12.00 hrs.

The Speaker, looking to the business that is pending, may allot time. Rule 190 clearly says that:

> "The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion."

Already so much of business is pending before the House. So, according to the above rule, the Speaker may allot time for the discussion.

SHRI JAGANNATHRAO JOSHI: We can have a little time. We are even prepared to sit late in the night.

SHRI SHYAMNANDAN MISHRA: Does the power vest with the Leader of the House or with the Business Advisory Committee in matter of allocation of time for business? In so far as the Leader of the House is concerned, you seem to think that the hon'ble Minister of Parliamentary Affairs is deputing for her. That is by way of a convention that has been established. But, has it not been the convention as well that it is only on the recommendations of the Business Advisory Committee that this House is functioning in the matter of allotting the time for the business? One convention cannot completely ignore the other convention I had made a submission to you some ten days back that it was not that the Leader of the House who could take out any item on the agenda which is inconvenient to Government. In that case the Opposition would be completely sterile and useless. It would not serve any useful purpose. Now the position is this. So far, some notices of Motion have been given to you for which you have not been able to find time And, those motions do not happen to find a place on the agenda. Similarly, the Business Advisory Committee has not been able to allocate time for any business. That is why some of our motions do not find a place in the Agenda; it is also so because the Speaker has not been able to allot any time for the purpose. That is the final thing. The House has to consider another thing. For the allocation of time, does the power rest in you? No. According to Rules of Procedure, that power vests in the Business Advisory Committee. It has not allotted any time. Therefore, there is no time available for any item to find a place on the Agenda.

According to Rules of Procedure, that power resides in the Business Advisory Committee.

SHRI JYOTIRMOY BOSU: Sir, I have brought with me a Dictionary. What is the dictionary meaning of the word 'consultation'? 'Consultation' means 'council'. That does not mean consultation with the Leader of the House. Therefore, when we given notices of adjournment motions and they are pending before you, that means the dispute is over the consultation.

SHRI SAMAR GUHA: rose—

MR. SPEAKER: Mr Guha, you have already raised your point of order. Why do you get up every time? When you raised a point of order, I gave you time. You are again getting up.

SHRI SAMAR GUHA: Sir, unfortunately, the question raised by me has not been answered. I am not taking much of your time.

Sir, two basic points are involved. The matter was also discussed in the Business Advisory Committee as to what is the meaning of the word 'in consultation with the Leader of he House'. This question was raised in the Business Advisory Committee also. At that time, you did not answer. Such a situation has not arisen earlier. All the business that were to come before the House were settled amicably in the Business Advisory Committee. It is for the first time that such a situation has arisen out of a very serious issue, a very important issue which is agitating the minds of the people all over the country regarding the licence issue, regarding the dignity of the House, regarding the dignity and honour of the Members of this House. For that reason, the issue has come to this pass. It is a very crucial day for you. You have to give a ruling, what is meant by 'in consultation with the Leader of the House'. The question is, whether you have abdicated your right to the Leader of the House or as the Speaker, you have the final say in the

[Shri Samar Guha]

matter. If the report is not placed before he House, how can the business come before the House? These are the basic points. I raised this question earlier also, but, you did not answer.

MR. SPEAKER: I have nothing to add.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Sir, during the last four days, we have taken up a considerable time of this House discussing on and on the same issue of the Resolution asking that a Committee of Members of Parliament be set up in order to go into this question of the licence issue. Why is it that we are so keen? Precisely because, the dignity of the House has been lowered by this kind of allegation that is being repeated at one time or another. Therefore, I would appeal to you, Sir, that you immediately call a meeting of the Business Advisory Committee and under Rule 190, you admit discussion of this Resolution. During all these hours that we have taken up since Saturday on this discussion in one form or another, the discussion on the Resolution could have been completed. It is really sad that when the House has got so much of important business before it, when there are important issues like rising prices, dehoarding and so on and when there are adjournment motions on these issues, day after day, we have to listen to a discussion in one form or another on a resolution that has already been admitted by you. Therefore, I would appeal to you that that resolution should be allotted time so that this manner of discussion comes to an end and we can have a discussion soberly, seriously so that the dignity of the House is maintained and standards in regard to prevention of corruption and so on will be laid down by a Committee consisting of Members of this hon. House.

श्री जगन्नाथ राव जोशी : अध्यक्ष महोदय, आज सिक्किम के बारे में यहां विधेयक पास होने जा रहा है। यहां के सदस्यों के बारे में यदि प्रतिमत्व उजली नहीं होगी, तो वक्या सोचेंगे कि हम इस सदन के मेम्बर बने। जब वे यहां के मेम्बर बनने के लिए आए तो कम से कम यहां के सदन की गरिमा और प्रतिष्ठा को धक्का न लगे और वे शुद्ध रूप में यहां पर आए। इसलिए मेरा कहना है कि श्री वाजपेयी जी ने जो पार्लियामेंटरी प्रोब की बात कही है, उसे स्वीकार किया जाए और उस के लिए समय निश्चित किया जाए।

(Interruptions)

MR. SPEAKER: I have already made the observations. I am not going to repeat the same on and on. I have made the observation that if the Business Advisory Committee does not come to any conclusion or any decision, I cannot do anything.

SHRI BHOGENDRA JHA: Why not call a meeting this evening?

MR SPEAKER: I have absolutely no objection in calling a meeting. But, that does not mean that because of that, everything should come to a standstill. I do not agree with that. About Searchlight and Pradeep....."

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, I would like to say something in regard to the adjournment motion given notice of by Mr. Modhu Limaye. In today's Times of India, there has been a very disturbing and serious news on the front page with the headline 'Bihar Govt. bid to cripple economy of 'Search-

light'. I will read, with your permission, only a few paragraphs.

"Patna, September 3:

The Bihar Government has issued instructions to various departments not to pay 'The Searchlight' and 'Pradeep' for the advertisements published before the two papers were delisted. These arrears amount to Rs. 10 lakhs. The Government's aim seems to be to cripple the economy of the papers which had suffered a huge loss when a mob set fire to their building in March".

This problem of *The Searchlight* was discussed in this hon. House because it was a matter of freedom of the press. The Minister also has so many times given replies. The point is that Government has removed these papers from the approved list because these papers were highly critical of the Ghafoor Ministry.

SHRI C. M. STEPHEN (Muvattupuzha): Are you going to allow these observations on this adjournment motion now? We can also do this. For heaven's sake, give a ruling on this.

SHRI P. G MAVALANKAR: These two papers were officially delisted in April This is a matter which has to be seriously considered by you. This problem is not merely a problem of the Bihar Government; this is a problem of the freedom of the press. They are using patronage in the hands of Government to strangle freedom of the press. We in this Parliament cannot tolerate this.

MR. SPEAKER: I am not allowing a speech.

In this case, I quite agree, and as an ex-journalist I have full sympathy with freedom of the press. You have given a motion about an order issued by the Bihar Government with which the Minister has nothing to do. That is an executive order. How can this House be seized of this purely State matter?

SHRI SAMAR GUHA: On a point of order.

MR. SPEAKER: Please sit down when I am standing.

In this case, in spite of my best intention that something should be done, I am completely barred from admitting this, from treating a State matter as admissible in this House.

About the press, liberty of the press has gone quite far. They have started taking liberty with me also. My Secretary-General has passed on to me a copy of *The Hindustan Times* of September 4, which has this news item: "Case by CBI registered: no arrests". In that it is mentioned:

"According to a competent source, the CBI proceeded in the matter only after securing the Lok Sabha Speaker's permission".

This is the liberty of the press.

SHRI BHOGENDRA JHA: Send it to the Privileges Committee.

MR. SPEAKER: It would have been a different matter if the proceedings were wrongly reported. But they have written something about me, that somebody came and I gave my permission. This is very unfair. After all, in dealing with the Speaker of the House, they are not dealing with the man in the street. They are writing like this and putting me in such an embarrassing position What is the sense in doing this? Even if this is a feeler, they could easily have contacted me or the Secretary General to find out as to what is the truth. But this is very unfair.

SHRI S. M. BANERJEE: The correspondent should be asked for his explanation.

SHRI JYOTIRMOY BOSU: You must have been a victim of a government conspiracy.

SHRI P. K. DEO (Kalahandi): The entire issue should be sent to the Privileges Committee.

MR. SPEAKER: No, no. I am not doing it I have said this now; I do not want to go on with other experiments.

SHRI SAMAR GUHA: On a point of order. Just now you made an observation that the matter raised by Shri Mavalankar related to States.

MR. SPEAKER: That is closed now.

SHRI SAMAR GUHA: According to the Seventh Schedule of the Constitution, List III, Concurrent List, item 39,—it categorically states: Newspapers, books and printing presses—these are under the purview of both the Central Government and the State Government. So, I want to draw your attention to this matter.

MR. SPEAKER: You keep on drawing; I am not going to hear you. You have no right to interrupt the proceedings like this, without the Speaker's permission.

SHRI SAMAR GUHA: I have a right to have the ears of the Speaker. Seventh Schedule, List III, Concurrent List, item 39 lists Newspapers, books and printing presses.

MR. SPEAKER: You are attempting to interpret the Constitution. I cannot attempt it. It is for them to go to the Courts.

SHRI SAMAR GUHA: It is for us also.

MR. SPEAKER: I cannot make a Minister here responsible for the order issued by a Minister there in a State. I have given my ruling and I am not taking notice any more of what you say. Shri Bhogendra Jha.

SHRI BHOGENDRA JHA: Sir, I had given notice of an adjournment motion. Many persons have told me that this Parliament is concerned with many other items but not with the most important item, non-availability of essential commodities. Millions of people are literally starving. Rice is selling at Rs. 7 and Rs. 8 per kilo; or sometimes at Rs. 4 or 5 per kilo; in Delhi sugar is selling at Rs. 6 or Rs. 6.25. That way it seems there is no Government in the country, only hoarders and black-marketeers are ruling the country. In such a situation this Session is coming to an end and I request you to permit me to move my adjournment motion.

MR. SPEAKER: I am not allowing it.

SHRI BHOGENDRA JHA: This is the most important question. Is not this House concerned with the livelihood of the people? I request you to admit it; let the House decide it.

MR. SPEAKER: No, I am not admitting it.

SHRI BHOGENDRA JHA: It is a very important issue over which the country is greatly agaitated. Several thousands have been arrested. In Delhi alone about 500 people have been arrested. My adjournment motion is in order. Please admit it.

MR. SPEAKER: No, I am no admitting it. Now, Papers to be laid on the Table.

12.20 hrs.

PAPERS LAID ON THE TABLE

STATEMENT RE. ALLEGED MISBEHAVIOUR OF A TELEPHONE MONITOR IN AHMEDABAD TELEPHONE DISTRICT

THE MINISTER OF COMMUNICATIONS (SHRI K. BRAHMANANDA REDDY): I beg to lay on the Table, in response to the matter under rule 377 raised by Kumari Maniben Patel in the House on 12-8-1974, a statement (Hindi and English versions) regarding alleged misbehaviour of a telephone monitor in Ahmedabad Telephone District [*Placed in Library See* No LT- 8377/74].

ANNUAL REPORT OF NRDC FOR 1972-73

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY AND AGRICULTURE (SHRI C. SUBRAMANIAM): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) of the National Research Development Corporation of India, New Delhi, for the year 1972-73 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956 [*Placed in Library. See* No LT-8378/74].

STATEMENT RE. S.Q. NO. 461 DATED 22-8-74

THE MINISTER OF SUPPLY AND REHABILITATION (SHRI R. K. KHADILKAR): I beg to lay on the Table, in pursuance of an assurance given on 22-8-1974 during a supplementary on Starred Question No 461, a statement (Hindi and English versions) showing details of assistance admissible to the Pak Nationals (in camps) in Gujarat. [*Placed in Library. See* No. LT-8379/74].

REVIEW & ANNUAL REPORT OF NATIONAL TEXTILE CORPORATION & ANNUAL REPORT OF NATIONAL PRODUCTIVITY COUNCIL FOR 1972-73

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL LEVELOPMENT (SHRI ZIAUR RAHMAN ANSARI): I beg to lay on the Table--

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956.—

(i) Review by the Government on the working of the National Textile Corporation Limited, New Delhi, for the year 1972-73.

(ii) Annual Report of the National Textile Corporation Limited, New Delhi, for the year 1972-73 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library.* See No. LT-8380/74].

(2) A copy of the Annual Report (Hindi and English versions) of the National Productivity Council, New Delhi, for the year 1972-73. [*Placed in Library. See* No. LT-8381/74].

12.21 hrs.

RE. ADJOURNMENT MOTION—*contd.*

SHRI KRISHNA CHANDRA HALDER (Ausgram): Sir, we want a discussion on the motion of adjournment of Shri Bhogendra Jha.

MR. SPEAKER: No, it is not in order.

SHRI BHOGENDRA JHA (Jainagar): Sir, I move that this House adjourn to discuss the unprecedented scarcity of foodgrains....(*interruptions*).

MR. SPEAKER: Sometimes at least you have to be reasonable. I am not allowing it. It is not in order.

SHRI BHOGENDRA JHA: Why is it not in order?

MR SPEAKER: You have already discussed it in this House. You had a regular discussion on it. How can I allow it again and again when it is an identical one?

SHRI SHYAMNANDAN MISHRA (Begusarai): Do you know that sugar is selling at Rs. 6.20 a kilo? (*Interruptions*).

SHRI C. M. STEPHEN (Muvattupuzha): Sir, you have a responsibility to the House. You have to ensure that the business of the House goes on. Now there is consistent obstruction. When an adjournment motion is sought to be moved, you have to give your ruling on permission being granted. There is no provision in the rules whereby the question whether an adjournment motion has to be admitted or not can be discussed. But that is what is going on. The adjournment motions are before you. You have got to be moved or not. If they are not to be moved or not. If they are not permited to be moved, the business as on the agenda should be taken up. Now Parliament is being made the laughing-stock by this sort of proceeding. We cannot go on like this. It is contempt of the House that is going on. This is a breach of privilege. The business of he House has to go on. How long are we to go on like this....(*Interruptions*).

SHRI BHOGENDRA JHA: Sir, what about my adjournment motion?

MR. SPEAKER: I am sorry, I am not allowing it. I have considered all the points. The motion is not in proper order. It is a continuing matter over which you had a discussion. I am sorry, I cannot allow it. If you do not allow the Chair to express its views, the Chair also will have to adjust itself to that. What else can I do? This matter has been discussed in this House in the current session and it is a continuing matter. How can you discuss the same matter a second time? So, I am not allowing it

I am not calling anybody. The discussions have already been held in this very session. There are definite rules about it. You mean to say that I should exercise my discretion every time at the cost of other matters? If you were not given an opportunity earlier, then there was a genuine grievance. This is not the way to do it. If you think the Parliament can run like this, you go on.

I am really very sorry. I am watching these things not only for months but for two years. There should be some limit.

श्री श्याम नन्दन मिश्र : हम सब लोग इस बात के हक़ में हैं कि इस से ज्यादा महत्वपूर्ण बात देश और जनता के लिए नहीं हो सकती— हर दिन इन की नीतियों की वजह से कीमतें बढ़ती जांय तो क्या हम लोग यहां खामोश बैठे रहें। आप का यह कहना कि इस पर बहस हो चुकी है, ठीक नहीं है, हम ने इस पर कब बहस की है? एसेन्शल कमाडिटीज बिल के वक्त हम ने उस के लीगल आसपैक्ट्स पर बहस की थी, हम ने इस के इकानामिक आसपैक्ट पर कहां बहस की है?

अध्यक्ष महोदय · लेकिन हम को रूल्ज के मुताबिक चलना पड़ेगा।

श्री श्याम नन्दन मिश्र उस वक्त हम लेजिस्लेशन पर बहस कर रहे थे।

12.35 hrs.

MR SPEAKER· There is no question of any point of order on it now. We have already had a discussion on it It is a continuing matter

SHRI H N MUKERJEE (Calcutta—North-East) We are having you here, Sir, but Government is absent What business has the Government to show disrespect to the House and to you? We are helping them and you are trying to help them but they have not the guts to help you They have not the courage to help you Shri Raghu Ramaiah is sitting behind Can he not speak a word?

श्री अटल बिहारी वाजपेयी (ग्वालियर) अध्यक्ष महोदय, आप इस पर थोड़ा विचार कर लीजिए।

अध्यक्ष महोदय इस पर क्या विचार करना है। अगर एक का करूंगा तो सब को करना पड़ेगा। जिस चीज पर हाउस में पहले बहस हो चुकी है, वह दोबारा कैसे आ सकती है?

श्री अटल बिहारी वाजपेयी मेरा कहना है कि आप इस पर अभी कोई अन्तिम निर्णय मत कीजिए। मूल्यों का मामला बहुत गम्भीर मामला है, सदन को उस पर बहस करने का मौका मिलना चाहिए। इस लिए आप इस पर फिर से विचार कर लें ताकि किसी और रूप में यह मोशन आ सके।

अध्यक्ष महोदय · इस बात से मेरी कोई जिद नहीं है। लेकिन रूल में साफ लिखा है कि जिस बात पर बहस हो गई हो, जो रीसेन्ट occurrence न हो, कन्टीन्यूइंग मैटर हो और उस पर बहस हो चुकी हो, उस पर दोबारा बहस नहीं हो सकती। ऐसी हालत में इस को कैसे लिया जा सकता है। इस पर तो एक दफा नहीं कई दफा बहस हो चुकी है। आप लोगों ने रूल्ज बनाये हैं, तो क्या आप यह चाहते हैं कि उन को ऐसे ही हवा में उड़ा दूं। इस तरह से नहीं चल सकेगा।

SHRI SEZHIYAN (Kumbakonam): The price of sugar has gone up to Rs 6 25 a kg only a couple of days ago. The House will be sitting only for two days more, and this is a new situation which calls for the attention of the House

अध्यक्ष महोदय आप इस पर शार्ट-नोटिस क्वेश्चन भेजिए या स्टेटमेन्ट की डिमाण्ड कीजिए, स्टेटमेन्ट करवा देते हैं। लेकिन इस वक्त कैसे लिया जा सकता है?

SHRI SEZHIYAN Let Government come forward with a staement. The prices have gone up. The House has only two days more to sit. Let Government come forward with a statement so that the House can have a discussion on it. Please direct Government to make a statement....

MR SPEAKER I am unable to listen to him. There is so much of interruption

SHRI C M STEPHEN: No, Sir Stage by stage, it will be interrupted. We are not going to take up anything except what is listed on the Order paper. We shall not allow anything else (*Interruptions*).

MR SPEAKER: May I request hon. Members not to interrupt? Let me listen to Mr. Sezhiyan.

SHRI B. V. NAIK (Kanara): We shall also contribute to the discussion after he has finished

MR SPEAKER: This is a very dignified session of Parliament. Why are hon. Members interrupting?

SHRI SEZHIYAN: Regarding the adjournment motion of Shri Bhogendra Jha, I agree with your ruling that it has substantially been discussed here already and it cannot be brought again on an adjournment motion. We agree with you on that point. But the point is that the commodity prices, especially the prices of sugar have gone up; the price of sugar has gone up to Rs. 6.25 a kg. only a couple of days ago.

MR. SPEAKER: It is a coniinuing matter. Every day there is some rise in prices. I cannot admit an adjournment motion on it every day.

SHRI SEZHIYAN: I appeal to you that this is a new factor. The price of sugar has gone up to Rs. 6.25 a kg. only a couple of days ago. The House will be sitting only for two days more, and we shall be meeting again only after three months. Therefore, let Government come forward with a statement on the price position so that the House could have a discussion on the matter before we adjourn. I would appeal you to persuade Government to come forward with a statement.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta—South): For the last three days, you have been observing and we have also been observing that hon. Members from the Opposition have been trying to put many questions on issues related to the business of the House or issues related to licensing and many other matters either in the form of moticns or in the form of privilege issues.

I would like to submit to you that the business of the House is very important and the time at our disposal is too short to dispose of the business of the Government. Government business does not mean the business of the Congress Party but it means the business of the people also; because unless these items of business are disposed of, the people will not get adequate benefit for which the people outside have been waiting.

Through you, I would like to make one request to the Members of the Opposition. There are many important issues which they may raise every day in he House, and you allow them to raise them also because those are very important issues. Now, call-attention is over, and then submissions under rule 377 are also over. So, every opportunity for raising these matters has been lost now. Now, only some important issues which are related to the people's cause may be brought up by Members of the Opposition in the House. You may accept it or you may not accept it, but you have to judge whether those are important matters, and whether they have already been discussed or whether they are under the process of discussion. I feel that most of the things which they are wanting to raise have already been discussed and some matters may be discussed on other occasions also. There are many other matters also which are coming up. For them also you may find time

But what I have been finding since this morning is that in the name of the Business Advisory Committee's decision or in the name of any other motion, a section of the Members of the Opposition is trying to obstruct the business of the House in a manner which is likely to deadlock the Parliamentary System and whole proceedings. I would like to make an appeal to you here; as the Speaker of the House, do you not feel that if there is really a crisis in the House, whether it comes from one section or the other, you, as a judge, have to give a decision and that judgment has to be followed by the entire House? They may accept the judgment or may not accept it, but you as a judge have to give you judgment and continue to maintain the prestige of the House, and we shall stand by that judgment. So, let the rest of the business continue. They cannot interefere and deadlock the business in this manner every day. Here, I would like to ask the Members from the Congress Party, in the interests of the nation, whether every day we have to keep quiet like

this when they are doing this kind of thing; it cannot go on like this every day. Let the people know what is going on. Government business is the business of the people. We must see to it that that business is transacted. What do they think? It is not a fundamental right or inherent right that they can come and create a problem every day and deadlock the House. We cannot tolerate this kind of thing. We are also Members of the House and we want to go on with the business of the House. So, I would request you, Sir, to give your judgment finally.

SHRI C. M. STEPHEN: What is in the List of Business must take precedence over everything else?

MR. SPEAKER: May I make one request to hon. Members? Whatever be their differences whether on the Business Advisory Committee's decision or on the presentation of business before the House and so on, since some time past, I have been seeing this practice developing that instead of their settling matters themselves by sitting together, the whole House is obstructed....

SHRI SHYAMNANDAN MISHRA: I is due to the obduracy of Government.

SHRI C. M. STEPHEN: We are entitled to take that position. *(Interruptions)*

MR. SPEAKER: If something keep on coming, after all, we have to run this Parliament as Parliament. Suppose something is not coming, hon. Members can express their views, but there is no sense in holding the House to ransom. *(Interruptions)* Whoever does it. Everybody knows who does it.

SHRI H. N. MUKERJEE: What about your ultimate finding on the submission made by Mr. Sezhiyan?

MR. SPEAKER: I have already said that in the case of a continuing matter, such as prices increasing and so on, every day we cannot have a new adjournment motion and keep on discussing it. I do not agree there.

SHRI H. N. MUKERJEE: What about the alternative suggested by Mr. Sezhiyan?

MR. SPEAKER: I can ask them to make a statement. But this is not the way out; if I say that it is not admissible, they cannot go on insisting on it and obstructing the business of the House in this manner.

SHRI SEZHIYAN: Ask the hon. Minister to make a statement. Sugar price has gone up to Rs. 6.25 a kg. Let Government make a statement.

MR. SPEAKER: I can ask Government to make a statement on this.

SHRI SHYAMNANDAN MISHRA: Not only in respect of sugar. It relates to all essential commodities. *(Interruptions)*

MR SPEAKER: If hon. Members want to run this House purely on political lines and purely on party lines, letting down each other it is no use. After all, this is Parliament and this forum is meant for the free expression of views by hon. Members I shall be asking Government to make a statement.

श्री मधु लिमये (बांका) : अध्यक्ष महोदय, यह बात सही है कि दाम निरन्तर बढ़ रहे हैं। लेकिन विगत कुछ दिनों में जहां चीनी 5.20 पैसे, 5.25 पैसे किलो बिक रही थी, आजकल हर दिन सवेरे शाम उस के दाम बढ़ रहे हैं। .... (व्यवधान)

MR. SPEAKER: I have already said that I will ask him to make a statement. I am not going to allow any speech.

SHRI KARTIK ORAON (Lohardaga): On a point of order *(Interruptions)*

MR. SPEAKER: I am going to take up the next item. There was a time when only one Adjournment Motion used to be allowed in a year or two. I cannot allow it every day. Yesterday we had an Adjournment Motion. We cannot have Adjournment Motions every day.

SHRI SHYAMNANDAN MISHRA: In the past things had not become so intolerable. (*Interruptions*)

SHRI SAMAR GUHA: On a point of order, Sir.

MR SPEAKER: It is not a point of order. You have been only disrupting the proceedings of the House. These are all points of interruption. I am not allowing you.....

SHRI SAMAR GUHA: I have a point of order. You have allowed that side.

MR SPEAKER: No, please.

Now, I think, there are some privilege motions.

One by Shri Madhu Limaye. Mr Samar Guha, please sit down. There is no question of point of order. I am passing on to the next item now.

SHRI SAMAR GUHA: Before you pass on to the next item, I have a point of order. (*Interruptions*).

MR SPEAKER: I have asked the Minister to make a statement.

SHRI H. N. MUKERJEE (Calcutta—North-East): We do not want a statement merely to be laid on the Table of the House and then thrown away. Let there be a discussion. Without a discussion, there is no point in having a statement. A statement and a two-hour discussion, we want. (*Interruptions*).

SHRI SAMAR GUHA: You have not heard me.

MR SPEAKER: You have been raising points of order every minute. I have allowed you so many things. But there is no point of order.

SHRI SAMAR GUHA: I want to draw your attention to a regular procedure.

SHRI C. M. STEPHEN: We will now pass on to the next item.

SHRI KARTIK ORAON (Lohardaga)): On a point of order, Sir.

MR SPEAKER: What do you want?

SHRI KARTIK ORAON: I rise on a point of order. The whole House has been witnessing for the last couple of days that every minute the Rules of Procedure are violated. At least 50 people get up every minute on points of order. What does all this amount to? We have not been able to carry on our business and I will definitely say that what is being done amounts to disruption of the House and obstruction of the business of the House. In this connection, I want to draw your attention to Rule 374 of the Rules of Procedure which says:

> "The Speaker may, if he deems it necessary, name a Member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof."

13.00 hrs.

These things you are not able to observe. They ought to have been pulled up for acting in this manner, for obstructing the business of the House, Sir. The number goes on increasing. I request you to pull up such persons who obstruct the business of the House. I do not mind this side or that side, you can pull up anybody who is obstructing the business of the House. You are doing grave injustice to the House in the sense that very important items of the business of the House are not being

discussed. The important business of the House, for instance, relates to one item, the discussion on hhe report of the Commissioner of the Scheduled Castes and Scheduled Tribes. This has to be brought up for discussion immediately. Without meaning any disrespect to the members of the opposition, I might say, that they are taking up 75 per cent of the time in shouting, in sabrerattling, in mudslinging. This is what they are doing Please call the House to order. Please try to see that the business is carried on. If you do it even only with one person, everything will be set right This is my submission

SHRI SAMAR GUHA You have permitted very orderly point of order. I want to draw your attention to rule 58....

MR SPEAKER. What about his suggestions?

श्री अटल बिहारी वाजपेयी इन का सजेश्चन मान लीजिए और हम सब को निकाल दीजिए ।

SHRIMATI PARVATHI KRISHNAN May I say something?

MR. SPEAKER: I am on my legs. May I tell you, it is no use obstructing the business of the House, by this means or that means.

After all, how long can we continue in this manner?

SHRI SHYAMNANDAN MISHRA: A deadlock is created; you don't want to resolve that deadlock

MR. SPEAKER: Mr. Mishra, every time you come up like this and I quietly watch. You do not think that I am not so insensitive that I do not realise it. (*Interruptions*) Order please Please don't do like this. Let us behave as gentleman.

SHRI SHYAMANDAN MISHRA: I said, it is a deadlock; you should help to resolve it.

MR. SPEAKER: I never expected that you in your wisdom would act like that; we are here as friends; we can say things peacefully.

SHRI SHYAMNANDAN MISHRA: It is a very peculiar posture that the Chair takes that even when I am saying things very peacefully the Chair interprets it to be otherwise.

MR SPEAKER: I don't have this grievance against others but in your case I have got it. I am so sorry.

SHRI SHYAMNANDAN MISHRA: I could not follow what you have said just now .

MR SPEAKER Frowning and threatening posture; I advise you not to do it

SHRI SHYAMNANDAN MISHRA: I never do it. I would also advise you to be very polite to the House Every honourable Member is as honourable as the honourable Speaker. Please don't put wrong construction on what I am submitting to you.

MR SPEAKER: He is doing it in the same way, frowning, fretting and threatening.

SHRI SHYAMNANDAN MISHRA: You have been also frowning upon me taking advantage of (*Interruptions*) You are speaking almost from a pedestal.

MR. SPEAKER: I cannot abroad to frown upon you. I expect you not to do it also.

SHRI SHYAMNANDAN MISHRA: We want this tangle to be resolved.

MR. SPEAKER: I have heard enough of the points of orders Let us act proceed in a very orderly manner, in a friendly manner and in a manner keeping in view the dignity and honour of this House. If this goes on like this, sometimes one is not in

[Mr Speaker]

the same mood sometimes this may lead to desperation

SHRI SAMAR GUHA My point of order is this. For the last fifteen minutes I have been trying to raise my points of order Everyone has been able to raise his point of order I am not able to raise my point of order though I have been standing for the last fifteen minutes

MR SPEAKER Mr Guha, kindly sit down I allowed so many points of order Why do you do it every time?

SHRI SAMAR GUHA I have raised the point of order But not a single word had been uttered by me My point of order is this According to rule 58, there are restrictions on right to make motion When I asked for the Government's making a statement your contention was that it might be done only when the matter was a continuing one I was told that this matter had already been discussed earlier That is perhaps not a correct statement I want to refreshh the memory of the House that in this session the price rise has not been discussed although discussion took place on the Essential Commodities Bill Sir day before yesterday in the report of the Reserve Bank of India the words hyper inflation have been used This is not a continuing matter To-day the price has risen to 272 points And Government is going to consider the question of granting the Dearness Allowance

MR SPFAKER This is not a point of order Please sit down

SHRI SAMAR GUHA Sir this is not a continuing matter Look at the jump in the price rise—quantum jump This is not a continuing matter and therefore my adjournment motion is on a very serious matter Sir we have to go back to our Constituency. With what face we can see the people in our constituency The price is rising We are not discussing this matter. That is why I say there should be a discussion on the price rise in this session

SHRI S M MANERJEE Now you have disposed of the adjournment motion Now please permit me to make my submission to you I would request the Minister, through you, to make a statement on the abnormal rise in price of essential commodities. Either you allow us to raise a discussion under Rule 193 or under 189 Everyday the motion is coming up Please allow a discussion on the rising prices

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13 10 hrs

RE QUESTION OF PRIVILEGE

अध्यक्ष महोदय इसका मतलब तो यह हुआ कि एक एक आइटम पर क्लिंग देता जाऊ और इनकी बात मानता चला जाऊ तभी काम चल सकता है। ऐसे कैसे काम चलेगा ? बड़ी मुश्किल है।

श्री मधु लिमये :

श्री मधुलिमये (बांका): कल चूंकि सदन में शोरगुल था इसलिए श्री गोखले को न मैं सुन सका और न ही आप सुन सके। इनके वक्तव्य में से दो जुमले मैं आपके सामने रखना चाहता हू।

> 'Sir this is our view that these matters can be looked into only by a court of law The proper agency the statutory agency that can investigate into the matter is the court Perhaps that stage may come later on after the investigation is completed And then this House can decide about this."

आज तक तो मैं यही समझता रहा हू कि एफ आई आर फाइल करने के बाद पुलिस

के द्वारा इनवस्टीगेशन होगी और बाद मैजिस्ट्रेट कागनिजेम लेगा और कोर्ट के सामने ट्राइल होगा लेकिन अब मुझे पता चला है कि इनवेस्टागेशन का काम भी कोर्ट करेगी । इनके शब्द है ।

"The proper statutory agency that can investigate into the matter is the court"

इसका साफ मतलब होता है कि श्री गोखले श्री पीलू मोदी का जो विशेषाधिकार का प्रस्ताव है उस पर इनका कुछ नही कहने था न एडमिसिबिलिटी के हक मे इन्होने कुछ कहा और न ही उसके विरोध मे कुछ कहा और बीच मे केवल इसलिए दखल दे रहे थ इटरवीन कर रहे थे कि सदन के सामने जो ये प्रस्ताव पडे हुए है, पार्लिमैंटरी प्रोब के बारे मे इन प्रस्तावो पर बहस न हो इसलिए वह बहस को प्रीएम्प्ट करना चाहते थे । इतना ही नही इन्होने यह भी कहा कि मेम्बरो के खिलाफ क्रिमिनल आफेंस है मै उनकी वाक्य पढ कर सुनाना चाहता हू

The persons who have committed the offence are all Members of Parliament of this House This matter is under investigation A case has already been registered '

अब आपका आबजर्वेशन है कि इस मामले की जाच करने के लिए मैं प्रोमीजर ले डाउन करूगा । डिप्टी स्पीकर का आबजर्वेशन है कि बाहर की एजेंसी नही करेगी । अब गोखले साहब क्या कह रहे हैं कि सारे आफेंसिस मेम्बर्ज आफ पार्लियामेंट ने किए हैं । कितना गम्भीर आरोप है .. (व्यवधान) ये बाद मे बोले । कानून मत्री ने स्वय गम्भीर आरोप लगाया है कि जो आफेंसिस है वे सारे मम्बर्ज आफ पार्लिमैंट के खिलाफ है । ऐसी हालत मे पुलिस के द्वारा या अदालत के द्वारा इनवेस्टीगेशन करने के बजाय जैसे डिप्टी स्पीकर ने कहा इसी सदन की एक कमेटी को इसका इनवेस्टीगेशन करना चाहिए । इस मे सी बी आई, रेवन्यू इटेलीजेंस सैंट्रल इटेलीजेंस ब्यूरो इनकम टैक्स डिपार्टमेंट, एक्साइज डिपार्टमेंट, कस्टम्ज डिपार्टमैंट की वह मदद ले सकती है (व्यवधान) तीस लाख रुपया नकद लिया है और इन लोगो के बीच भी बाटा गया है । नकद नारायण ने तीस लाख रुपया लिया है । जैसे कि मैंने नोटिस मे कहा है मुझे प्रस्ताव पेश आप करने दे इन टर्म्ज आफ नोटिस और अगर आप यह कहते है कि गोखले साहब को सुनने के बाद मै प्रस्ताव पढ़ता वैसा भी मै करने के लिए तैयार हू ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H R. GOKHALE) Sir the script of what I said yesterday has been received by me today morning and I have been given time to correct it by tomorrow I will correct it within the time given to me There is only one portion which is not correct reporting of my speech at all That portion is

"The persons who have committed the offence are all Members of Parliament of this House"

That is how it has been put What I said was As a result of investigation the persons who may have committed the offence may not be all Members of Parliament of the House and the argument which I was developing was that outside persons could be involved Therefore, the proper thing to do is to have investigation and wait for the

[Shri H. R. Gokhale]

result of the investigation to be known. I did not say House cannot discuss this matter. I said the House can discuss it. I did not plead that this is subjudice and on that account it should not be discussed. I said I am only putting an opinion for the consideration that under these considerations the proper stage for the House to discuss the matter would be when we have got full facts ascertained after investigation. Whether that is acceptable or not is a different matter but I did not want to scuttle the discussion on this matter

MR. SPEAKER: Mr. Bosu, this is just the same as that of Mr. Madhu Limaye's—the one which you have given.

SHRI JYOTIRMOY BOSU: No, Sir,

MR. SPEAKER: If it is not the same; I cannot take another one also. I can take only one.

SHRI JYOTIRMOY BOSU: Sir, the question is this. Yesterday, Mr. Sezhiyan asked a question. It reads as follows:

> "I want to know when the preliminary investigation by the CBI was ordered and when it was completed; when the full fledged enquiry or investigation by CBI was ordered. The Minister says a case has been registered because of the criminality involved in this case. I want to know when exactly the case was registered."

This came out of the mouth of Mr. Sezhiyan, sitting next to me. To that, our learned friend, a very careful man in the House, Mr. Gokhale said 'The case was registered in the last couple of days'. This is the debate dated 3rd September 1974. You kindly read the front page news item in Hindustan Times, with a dateline of 3rd September 1974. They say, only yesterday it was registered. That establishes that the case was registered on 2nd September and not really a couple of days ago. By saying this, he wanted to absolve the Government; he wanted the Government to go out of the limelight and he did not want us to accept that Government had acted in undue haste and in an unsual manner when the matter was seized by Parliament. This is a clear, deliberate and engineered utterance of a clever lawyer, Mr. Gokhale. This is not the first time he is being hauled up on a privilege motion. This is a very serious matter. Sir, he should either express his regret before the House or the matter should be sent to the Privileges Committee. There are some very serious things including what he said 'It is our view that these matters can be looked into by a Court of Law. The proper agency, the statutory agency that can investigate into the matter is the Court.' When the Court is to be the investigating agency, we do not know. We are not quite clever as you are. But, kindly spare us from being taken in for a ride. Thank you very much.

SHRI SHYAMNANDAN MISHRA (Begusarai): I have already made a request to you on this particular subject. May I make my submission on a point arising out of what the hon. Member Mr. Madhu Limaye has said? The position is; the hon. Law Minister....

SHRI C. M. STEPHEN (Muvathupuzha): Sir, we want to make a humble submission. If on this particular subject, discussion has started, then everybody must have say. otherwise, the business of the House must go on. The question that is now being discussed is about signatures and all that. This is being discussed in another way. The basic point is, without establishing a *prima facie* case, and without the Leader of the House and the Speaker having satisfied themselves that there is a *prima facie* case, the question of referring the matter to the Parliamentary Committee cannot arise at all. That is the stage at which

we are. We are going into the entire subject. MPs are being called names; presumptions are being made and allegations are being flaunted. This should not be allowed. If you are allowing a discussion on the question of referring the matter to the Parliamentary Committee, kindly give us notice.

MR. SPEAKER: I have dealt with Mr. Limaye and given a chance to Mr. Gokhale. I have not yet held it in order.

SHRI C. M. STEPHEN Then, Mr. Bosu has staretd; Mr. Shyamnandan Mishra has started?

Mr. Mishra I am not going to allow Mr. Bosu has given a notice against the Law Minister and I thought that since the Law Minister is here, let him make his submission. But, so far as the question of holding it in order is concerned, I have not yet decided.

MR. MISHRA: I am not going to allow any debate You make your point in a minute. Is it technical or what?

SHRI SHYAMNANDAN MISHRA: The issue we are dealing with is whether breach of privilege has been committed by the hon'ble Minister of Law or not. Now the hon member, Shri Madhu Limaye, pointed out a misrepresentation. I would go by the version of the hon. Law Minister that he has not had the time to correct it, and that it was an uncorrected statement. We accept it. We will not go into that.

But arising out of the statement that the hon. Minister has made, there is a reflection on the House and on the hon'ble members of the House who disowned their signatures. The hon. Mmister has said that the offenders may not be all members of this House. Let me interpret it. That does not mean that all members of the House who are alleged to be offenders are not offenders (*Interruptions*). He says the offenders may not be all members of the House. So if the number of members of the House is X, then X is not excluded; it may be X plus 1 NY. That is, some outside element also might be there. That is what the hon. Law Minister has said.

Therefore, in a sense he has confirmed that the hon. members of the House who are alleged to have been associated with this unsavoury deal have indeed been associated, and he is saying that with a degree of plausibility because a certain amount of investigation has been under taken in this matter. Now, I ask you whether it does not confirm the earlier misgivings and suspicions created by the statements of the hon. Ministers. We want your protection.

MR. SPEAKER: I am not going into it. He has not corrected it. When it is corrected, we will see to it.

SHRI SHYAMNANDAN MISHRA: Kindly give me a hearing coolly. He has said in the presence of all of us that the offenders may not be all members of this House. We grant that there may be some outside elements, some strangers also might be offenders. But then by that statement, he has confirmed the suspicion that the members of this House have indeed been guilty of the offence that has been associated with them. Here we have a clear statement from the hon. members that they disown their signatures. Who is casting a reflection on them?

MR. SPEAKER. He will correct it. Then we will see to it.

SHRI SHYAMNANDAN MISHRA: The second thing that I want to submit in this very connection is this. The hon. Law Minister by bringing in the court and many other things has tried to pre-empt the constitution of a committee for which there are motions admitted by you.

MR. SPEAKER: I hope you will understand me. This is a privilege motion over his statement. It is not a discussion about the constitution of a committee. He will give the corrected copy; then we will see.

SHRI SHYAMNANDAN MISHRA: By bringing in the court and other extraneous matters, he has tried to pre-empt the constitution of a committee.

MR. SPEAKER: I am very sorry.

SHRI SHYAMNANDAN MISHRA: What have you to say on the first point?

MR. SPEAKER: I have not to say anything on that unless he sends in the corrected copy. I do not think any question arises out of this in a privilege motion.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष महोदय, मुझे एक निवेदन करना है। आज सवेरे आप ने हिन्दुस्तान टाइम्स की एक रिपोर्ट का हवाला दिया और यह कहा कि आप को भी उस में घसीट लिया गया है। लेकिन आप ने जो कुछ कहा उस से एक बात साफ हो गई कि सरकार ने इस मामले में केस रजिस्टर करने से पहले आप को पूछा नहीं, आप से सलाह नहीं ली।

अध्यक्ष महोदय : आप के दिमाग में जो एक चीज बैठी है कि पार्लियामेंट की एक कमेटी हो वह हर बात में आ जाती है। अब आप प्रिविलेज के तौर पर लाना चाहते हैं।

श्री अटल बिहारी वाजपेयी : जब आप के सामने यह मामला इतने गौर है तो कोई भी केस रजिस्टर करने से पहले सरकार आप की सलाह लेती, कम से कम आप को खबर तो देती।

अध्यक्ष महोदय : आप तो उस से भी कहीं आगे बढ़-चढ़ गये हैं। अब वह बात कहां रह गई है, वह तो आप ने खत्म कर दी।

श्री अटल बिहारी वाजपेयी: कहां खत्म कर दी? क्या आप यह नहीं समझते हैं। कि गवर्नमेंट ने इम्प्रोप्राइटी की है। मैं उन को केस रजिस्टर कराने से पहले आप को बताना चाहिए था।

अध्यक्ष महोदय : इस पर काफी बातें हो चुकी हैं। इसलिये इस वक्त यह सवाल नहीं आ सकता।

श्री अटल बिहारी वाजपेयी : तो फिर इस को अलग से उठायेंगे।

अध्यक्ष महोदय : उस वक्त देखेंगे।

SHRI JYOTIRMOY BOSU: Let Mr. Gokhale reply.

SHRI H. R. GOKHALE: The only thing I said was that the case was registered in the last couple of days. It is not an inaccurate statement at all.

SHRI SHYAMNANDAN MISHRA: We want to know the exact date.

MR. SPEAKER: He has given information. How can it be a matter of privilege. He gives information which according to you may not be proper. But how does it constitute privilege?

SHRI SHYAMNANDAN MISHRA: What about the point I raised that he had further cast reflections on the hon. Members of this House.

MR. SPEAKER: I shall see the proceedings; I cannot say offhand. There is no question of reflection.

13.32 hrs.

PAPERS LAID ON THE TABLE--*Contd.*

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI B SHANKAR ANAND) I beg to lay on the Table the following statements showing the action taken by the Government on various assurances promises and undertakings given by the Ministers during the various sessions of Lok Sabha —

Fourth Lok Sabha

(i) Statement No xxxvi	Seventh Session, 1969
(ii) Statement No xxxvi	Eighth Session 196,
(iii) Statement No xxix	Twelfth Session, 1970

Fifth Lok Sabha

(iv) Statement No cxxi	Second Session, 1971
(v) Statement No xxii	Fourth Session, 1972
(vi) Statement No xvi	Fifth Session, 1972
(vii) Statement No xiv	Sixth Session, 1972
(viii) Statement No xv	Seventh Session, 1973
(ix) Statement ix	Eighth Session, 1973
(x) Statement No vii	Ninth Session, 1973
(xi) Statement No vi	Tenth Session, 1974
(xii) Statement No vii	Tenth Session, 1974
(xiii) Statement No i	Eleventh Session, 1974

[*Placed in Library See* No LT-8382/74]

THE DEPUTY MINNISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D P YADAV) I beg to lay on the Table—

(1) A copy of the Certified Accounts of the Indian Institute of Technology, Delhi for the year 1971-72 along with the Audit Report thereon under sub-section (4) of section 27 of the Institutes of Technology Act 1961

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above documents

[*Placed in Library See* No LT-8383/74]

श्री समर गुह (कोन्टाई) अध्यक्ष, महोदय प्रिवलेज के बारे में मेरा भी नोटिस है।

MR SPEAKER I will take up only one today.

SHRI SAMAR GUHA The same matter, the same submission

MR SPEAKER· The same matter has already been raised

SHRI SAMAR GUHA I should be allowed to make a submission

अध्यक्ष महोदय आप का मोशन मेरे पास नही है ।

श्री समर गुह : श्यामबाबू का और मेरा दोनो एक साथ भेजा है, एक ही वीयरर से भेजा है, एक जगह बैठ कर भेजा है ।

अध्यक्ष महोदय मेरे पास नही है । श्याम बाबू कह दे कि उन के साथ आया है तो मैं मान लूगा ।

श्री श्याम नन्दन मिश्र (बेगुसर मेरे साथ भेजा था ।

अध्यक्ष महोदय लेकिन मेरे पास नही आया है ।

श्री समर गुह आप ने कहा है कि श्याम बाबू कह दें तो मैं मान लूगा । आप अपनी बात वापस ले रहे है । आज तो बडा हसी-मजाक का दिन है, लेकिन आगे ऐसे नही चलेगा ।

MR. SPEAKER There is no privilege motion, I have enquired from the Table. I am not allowing Secretary General.

13.33 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha —

(i) 'I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 3rd September, 1974, adopted the following motion in regard to the Foreign Contributiton (Regulation) Bill, 1973 —

"That this House do recommend to Lok Sabha that Lok Sabha do appoint a member of Lok Sabha to the Joint Committee of the Houses on the Foreign Contribution (Regulation) Bill, 1973 in the vacancy caused by the resignation of Shrimati Parvathi Krishnan from the membership of the said Joint Committee, and communicate to this House the name of the member so appointed by Lok Sabha to the Joint Committee"

2 I am to request that the concurrence of the Lok Sabha in the said motion and also the name of the member of the Lok Sabha appointed to the Joint Committee may be communicated to this House'

(ii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Esso (Acquisition of Undertakings in India) Amendment Bill, 1974, which has been passed by the Rajya Sabha at its sitting held on the 3rd September, 1974."

13.34 hrs.

ESSO (ACQUISITION OF UNDERTAKINGS IN INDIA) AMENDMENT BILL

SECRETARY-GENERAL:—Sir, I lay on the Table of the House the Esso (Acquisition of Undertakings in India) Amendment Bill, 1974, as passed by Rajya Sabha.

13.34½ hrs.

RULES COMMITTEE

MINUTES

SHRI SEZHIYAN (Kumbakonam): I beg to lay on the Table Minutes of the sitting of the Rules Committee held on the 30th August, 1974.

13.35 hrs.

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

Thirtieth Report

SHRI D. BASUMATARI (Kokrajhar): I beg to present the Thirtieth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Heavy Industry—Reservation for, and employment of, scheduled castes and scheduled tribes in the Hindustan Machine Tools Limited.

13.35½ hrs.

STATEMENT RE: SQ NO. 495 DATED 26-8-'74 ABOUT SEIZURE OF LEOPARD AND TIGER SKINS AT DELHI RAILWAY STATION

MR. SPEAKER: Item 10. The Minister may lay it on the Table.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI B. P. MAURYA): I beg to lay the statement on the Table.

STATEMENT

Detailed report obtained from Delhi Administration indicates that the information regarding the existence of a parcel containing skins was received by the Wild Life Officer on 27th June, 1974 from an anonymous caller at about 1 P.M. The Wild Life Officer directed the Wild Life Inspector to proceed to the Railway station and investigate. The parcel was detected and was left with the railway authorities for six days (from 27th June, 1974 to 2nd July, 1974) with the instruction that if any one came to claim the parcel, the Wild Life Inspector should be informed immediately on telephone. Since no one came forward, the parcel was searched on 2nd July, 1974 and was seized.

Informal enquiries made from local dealers revealed that there was no trader of the name of A. Gafoor nor anyone of that name in Satna, M.P., wherefrom the parcel was booked. A letter was written on 6th July, 1974 to Chief Wild Life Warden, M.P., informing him of the facts of the case and requesting him to order further investigations in Satna.

There were 19 skins in all-one tiger skin and 18 leopard skins, all uncured. The tiger skins lacked trophies like claws and its tail was missing.

The skin was brittle. The leopard skins also lacked trophies and some had even head missing.

Keeping in view the condition of the skins, the reserve price of the skins was fixed at Rs. 20,000. Notice of auction to be held on 11th July, 1974 was given to all dealers by post on 6th July, 1974. No bidder turned up on the day of auction. On 16th July, 1974, a written offer of Rs. 12,020 was received from M/s. Inder Lal & Co. and was rejected on the same date because it did not come up to the reserve price. On 18th July, 1974 the other offer from M/s. Chowdhry Mansoor & Sons of Rs. 20,000 was received. The Chief Wild Life Warden, however, ordered that another attempt to auction the skins be made. The second auction was fixed for 22nd July, 1974 and notice of it was served by a special messenger to all licensed dealers in Delhi. On 22nd July, 1974, no bid was received from anyone but M/s. Choudhry Mansoor & Sons reaffirmed their offer of Rs. 20,000. The offer was accepted.

As a consequence of the newspaper report published in the Urdu daily 'Pratap' dated 27th instant regarding the question on sale in public auction of leopard and tiger skins, M/s. Chowdhary Mansoor and Sons have in a letter dated 31st August, 1974 offered the skins back for sale at Rs. 20,000 plus 15 per cent profit i.e. Rs. 23,000 in all.

It has also been reported by the Chief Wild Life Warden that another parcel from Satna consigned by Shri Ismail to Shri Ismail was searched and seized on 31st August, 1974. It contained one tiger skin and 11 leopard skins, all uncured. [illegible]ese skins will depend on a decision on the disposal of skins auctioned and sold on 22nd July, 1974.

13.36 hrs.

MOTION OF NO-CONFIDENCE IN THE COUNCIL OF MINISTERS

MR. SPEAKER: Mr. Madhu Limaye, your motion cannot be taken up because there has already been taken up one motion for want of confidence in the Council of Ministers in this session. So, another motion cannot come.

श्री मधु लिमये (बांका) : मैं मैरिट्स पर नहीं बोलूंगा, एडमिसिबिलिटी पर बोलूंगा ।

अध्यक्ष महोदय : आप इस में एक और मजेदार बात की है—और यह न हो तो रुल 338 में हो ।

श्री मधु लिमये : यह तो सारे लूपहोल्स को प्लग करने के लिए किया है । अगर आप एक को नहीं मानते हैं तो मैंने दूसरे का इन्तजाम कर रखा है । इसलिए आप पहले पर ही चर्चा होने दीजिए ।

अध्यक्ष महोदय : लेकिन इस को आप ला नहीं सकते हैं ।

श्री मधु लिमये : आप पहले मुझे सुन लीजिए, उस के बाद रूल-रिजेक्ट कर दीजिए । मैं "मेज पार्लियामेन्ट्री प्रेक्टिस" और शकधर-कौल की किताब से कुछ प्रेसिडेन्ट्स पर बोलना चाहता हूं ।

अध्यक्ष महोदय : प्रेसिडेन्ट्स का सवाल नहीं है—इस को यहां लिया ही नहीं जा सकता । फिर भी आप मेरे चेम्बर में आ कर बात कर लें ।

श्री मधु लिमये : चेम्बर में क्यों ? मैं यहीं पर आप को बतलाना चाहता हूं ।

अध्यक्ष महोदय : और बातें करनी हों तो मेरे चेम्बर में आते हैं, लेकिन इस के लिए नहीं आना चाहते ।

श्री मधु लिमये : अध्यक्ष महोदय, 338 के तेहत यह कहा जा रहा है कि एडमिसिबिल नहीं है । 338 क्या है ?---

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

अब आप "मेज पार्लियामेन्ट्री प्रेक्टिस" 8 वां एडीशन, पेज 364 को देखिए, मैं उसी से उद्धृत कर रहा हूं :—

"The ingenuity with which motions have been framed has sometimes succeeded in withdrawing them from the operation of this rule as, for example"—

Then, some examples have been given.

(व्यवधान) इनजेन्युटी मेरे मोशन में है या नहीं इसका निर्णय स्पीकर देंगे और म उनके निर्णय को मानूंगा ।

अब मोशन के बारे में आगे कहा जा रहा है ।

"They all vary in form and matter so far as to place them beyond the restriction, but in purpose they were the same and the debates raised embrace the same matters."

यह मैंने बहुत बढ़िया कोटेशन निकाला है, आपको मिला या नहीं ?

अध्यक्ष महोदय: पढ़ रहा हूं । बढ़िया कैसे है ?

श्री मधु लिमये : मैं प्रस्ताव पढ़ कर सुनाता हूं जिससे आपको पता चलेगा कि इनजेन्युटी है या नहीं । मैंने कहा है कि यह सभा इस बात को मद्दे-नजर रखते हुए कि सरकार लगातार पार्लियामेन्टरी इंक्वायरी वाले प्रस्तावों पर बहस के लिए समय नहीं दे रही है इसलिए वर्तमान मंत्रि-परिषद् पर अपना अविश्वास व्यक्त कर रही है ।

श्री ज्योतिर्मय बसु के जिस प्रस्ताव पर बहस हुई थी उसका फार्म बिल्कुल अलग था । उन्होंने विक्टिमाईजेशन आफ रेलवे वर्कर्स , दाम-वृद्धि, भ्रष्टाचार, सरकार के द्वारा दमन चक्र—यह सारी बातें कही थीं ।

मैंने यह कहा है :

"In view of the fact that the Government is persistently refusing to find time for the motions pending before the House, expresses its want of confidence in the Council of Ministers".

अब आपका जो भी निर्णय होगा मैं मानूंगा । मैंने मेज पार्लमेन्टरी प्रैक्टिस और इनजेन्युटी वाला जो पैरा है उसका आधार लिया है ।

SHRI SHYAMNANDAN MISHRA (Begusarai): I would like to submit two points for your consideration. What does rule 338 say? It has two key concepts or two key words in this. One is that "it shall not raise a question". It does not say that it shall not raise a motion in the same category or of the same genre. It does not say that a no-confidence motion would not be raised again. The category of non-confidence motion is not ruled out. The only thing, that is ruled out is where the same question which formed the substance of the earlier motion is raised again. The word used is "a question" and not a particular classification of the motion. If it is clear that a no-confidence motion could be brought up again, then the only constraint is that the same question which formed the subject matter of the previous motion cannot be the subject matter of the next motion. It

Shri Shyamnandan Mishra:

is very clear that the genre is not ruled out, the category is not ruled and the classification is not ruled out.

The second condition is that the question shall not be "substantially identical". Probably, if it is marginally identical, even then there can be a no-confidence motion. It is prohibited only when it is substantially identical. Here these words have been used advisedly to give the widest amplitude to the members. Therefore, even if the question is marginally covered, if it is not substantially covered, the question can be brought up again.

Since we are going to give notice of such motions in future, we would like you to come out with a clear ruling whether we could do it.

May I ask you, in all humility, if a scandal like Watergate, God forbid, is unearthed, would we allow this Government to remain? If there is a collapse of the majority on the other side in the House, do you mean to suggest that we would allow the Government to remain? I think, it cannot be the view of the hon. Speaker on such an important matter like the No-Confidence motion. For the May's Parliamentary Practice says that the Government is always prepared to acceed to a demand for the allotment of time for a censure motion. If the Government is obliged to acceed to such a demand, the hon. Speaker should not come in the way of admission of such a motion.

श्री अटल बिहारी वाजपेयी (ग्वालियर): इस पर आप सोच लीजिए, अभी फैसला न दीजिए ।

SHRI C. M. STEPHEN (Muvathupuzha): Sir, there are two Rules governing this. It is not merely Rule 338. All Rules concerning motions will govern a motion of No-Confidence. So, the admissibility of No-Confidence Motion would be judged by two Rules, Rule 138 which has already been mentioned and Rule 186(vi) which says:

> "it shall not revive discussion of a matter which has been discussed in the same session"

Now, the question is: What is the motion we discussed earlier? My submission is that the grounds on which a No-Confidence motion is moved is not a part of a No-Confidence motion. The distinction between a No-Confidence motion and a censure motion is that when the censure motion comes, the ground must be spelt out, the ground is a part of the censure motion, and, when a No-Confidence motion comes, the ground need not be spelt out. The ground does not form part of the No-Confidence motion at all.

This is covered by ruling and textual authorities:

> "A No-Confidence motion in the Council of Ministers is distinct from a censure motion. Whereas, a censure motion must set out the grounds or charges on which it is based and is moved for the specific purpose of censuring the Government for certain policies and actions, a motion of No-Confidence need not set out any grounds on which it is based. Even when grounds are mentioned in the notice and read out in the House, they do not form part of the No-Confidence motion.
>
> There has been a case where the Speaker refused to read out himself or allow the Member who had given notice of a No-Confidence motion, to read out the grounds set out in the notice before leave of the House to the moving of the motion was granted. The Speaker may, in his discretion, mention the grounds to the House."

This is from **Kaul and Shakdher.** So, the grounds do not form part of the No-Confidence motion.

My submission, therefor, is, why the No-Confidence motion came in and why the No-Confidence motion now comes in are irrelevant. The question is, whether the House has confidence in the Council of Ministers. That is the question that is put before the House and the House takes a decision on that. The question, whether the House has confidence in the Council of Ministers was put before the House and the question was decided by the House.

Now, if another No-Confidence motion is allowed, it is not a discussion on another ground on which it is allowed because; once a No-Confidence motion is admitted, the scope of discussion is not limited at all. It covers all grounds, all imaginable grounds, all conceivable grounds. Therefore, Sir, the question that you will have to consider is whether the question which was put before the House will have again to be put before the House.

There was only one question put before the House, namely, whether the House has got confidence in the Council of Ministers. If this No-Confidence motion is admitted, you will have no alternative but to put exactly the same question once again before the House. That is not admissible under Rule 338 and Rule 186 (vi) which I just now read out. Therefore, this No-Confidence motion is plainly out of order.

The questions that my hon. friend, Shri Shyamnandan Mishra, raised are purely hypothetical. If the Government losses majority in the House, it may get out on the basis of other constitutional precedents and grounds spelled out and clearly clarified in the constitutional law. Suppose, after the House adjourns *sine die*, there is defection, does it mean that the Government is, under the Constitution, compelled to get out? The same position will apply in this case also. Therefore, it is a repetition of the question which was already adjudicated, decided, by the House. A repetition is not permissible under the rules.

MR. SPEAKER: I think, we have taken a lot of time already in it.

श्री मधु लिमये : आप कल फ़ैसला दीजिए क्यों कि आज जो निर्णय आप देंगे वह आने वाले दिनों मे बाइंडिंग हो जायगा ।

श्री श्याम नन्दन मिश्र : अगर हम डेप्राइव होंगे तो ऐसे आसानी से डेप्राइव नही होंगे ।

It is a potent instrument in our hands and we cannot be easily deprived of this potent instrument. Did I not ask you this question? If a Watergate is unearthed, would the Government be allowed to remain in power? The motion must come under all circumstances. **(Interruptions)**.

अध्यक्ष महोदय : पहले बताया गया कि यह मोशन आफ़ नो-कान्फीडेंस नहीं बनता । आप लिख कर देना चाहते हैं तो लिख कर दे दीजिए । वैसे मैंने देख लिया है ।

SHRI SHYAMNANDAN MISHRA: Tomorrow.

MR. SPEAKER: Why tomorrow unnecessarily?

श्री मधु लिमये : "मेज़" में जो ऐग्जाम्पिल है वह मैंने दी है ।

MR. SPEAKER: On the face of it, I do not agree. Which example? If you want that I should see it, I will do it. But that does not apply in this case. We have precendents. We have a clear rule about it. I have seen the forms of previous no-confidence motions. The motion given by Shri Jyotirmoy Bosu on 23rd July read as: "That this House expresses want of confidence in the Council of Ministers"; that was all.

SHRI SHYAMNANDAN MISHRA: What about the no-confidence motion which we discussed during the last Session? Did it not relate to the railway strike?

श्री श्यामनन्दन मिश्र : जरा इस बात पर गौर कीजिए, रेलवे स्ट्राइक के बारे मे नोन्कान्फ्रीडेंस हुआ था ।

श्री मधु लिमये . आप सोच समझ कर कल रूलिंग दीजिए ।

अध्यक्ष महोदय : सोचा, समझा है कि नहीं आ सकता है ।

It cannot come. If you want, I shall do it in writing tomorrow. But I tell you very clearly that this motion cannot come. कल को यह न कह देना कि इस मे यह हो गया, वह हो गया आप का कुछ पता नही लगता । इसलिए मैं कह रहा हूं I am very clear in my mind that no second motion can come in the same Session.

SHRI SHYAMNANDAN MISHRA: Are all my oservations lost on the Chair?

MR. SPEAKER: No; I am not going to allow you.

SHRI SHYAMNANDAN MISHRA: Sir, you have not met any of the points I have raised.

MR. SPEAKER: The position is very clear, that a repeat motion is not given in the same session. Even the motion is always given in the form I have said and in that, no reasons are given and even if they are given, they are not mentioned in the motion and in view of the express constitutional provision regarding the collective responsibility of the Ministers to the Lok Sabha, a motion expressing want of confidence in an individual Minister is out of order. Under the Rules only a motion expressing want of confidence in the Council of Ministers as a body is admissible. *Kaul and Shakdher* says:

"No confidence motion in the Council of Ministers is distinct from a censure motion. Whereas a censure motion must set out the grounds or charges on which it is based and is moved for the specific purpose of censuring the Government for certain policies and actions, a motion of no confidence need not set out any grounds on which it is based.

SHRI SHYAMNANDAN MISHRA: 'Need not' does not mean 'must not'.

MR. SPEAKER: It further says:

"Even when grounds are mentioned in the no confidence motion and read out in the House, they do not form a part of the no confidence motion."

SHRI SHYAMNANDAN MISHRA: That is something else.

MR. SPEAKER: What something else? In 1963, the Speaker followed the same procedure. Since then only a bare motion comes which is always the same. In this view of the rules, I am sorry, there cannot be any repeat motion in the same session.

SHRI SHYAMNANDAN MISHRA: I would submit with all humility that in your observations even today, you have not followed the Constitution that you have read out. What is the question? We have given notice of a no-confidence motion in the entire Council of Ministers: We have not given against one Minister.

श्री मधु लिमये : अध्यक्ष महोदय ठीक है आप का निर्णय है, हालांकि हम लोग सहमत नहीं हैं । इस पर हम बहस नहीं करना चाहते । अब अध्यक्ष महोदय, मेरा दूसरा प्रस्ताव है जिस का मैंने बाकायदा नोटिस दिया है ।

Notice under Rule 184, 338 and 198.

"The House resolve that Rule 338 of the Rules of Procedure and Conduct of Business in its application to Shri Madhu Limaye's motion of no-confidence under Rule 198 be suspended".

मैं 5 मिनट से अधिक समय नहीं लूंगा

SHRI C. M. STEPHEN: How is it in order?

SHRI VASANT SATHE (Akola): It does not survive.

SHRI C. M. STEPHEN: You gave the ruling. When the decision was taken, Rule 338 was in force. So, there is no motion before the House.

MR. SPEAKER: Now when this has been disposed of, you cannot come under this rule. Had you wanted, you should have moved this first. Then, it would have been valid.

श्री मधु लिमये : आप मेरी बात सुन लीजिये । आप इस पर बहस ही क्यों खत्म करना चाहते हैं । मैंने दूसरा टिन्जेंट नोटिस दिया है ।

MR. SPEAKER: I have given my ruling. You cannot come now.

14.00 hrs.

श्री मधु लिमये : यह आप की रूलिंग पर ही आधारित है । मैं उस को चेलेंज नहीं कर रहा हूं । अध्यक्ष महोदय, आप ने कहा है कि मेरा जो नो-कान्फिडेंस मोशन है

that is barred under rule 33B.

यह आप का निर्णय है । मैं इस को मानकर चल रहा हूं । मैं स्पीकर साहब की रूलिंग को मान कर चल रहा हूं ।

SHRI C. M. STEPHEN: Sir, have you given him permission? The rule says that any Member may, with the concent of the Speaker, do it. Have you given your concent Sir? Without your concent, he cannot move for suspension of the rules.

MR. SPEAKER: He cannot bring it after my ruling. I am sorry, he cannot do it.

SHRI MADHU LIMAYE: Sir, I would submit, I am not challenging your ruling. I am accepting your ruling.

अध्यक्ष महोदय : आप ने जिस नियम के अधीन मेरे मोशन को डिबार किया उस को मैं मान रहा हूं । मैं आप की रूलिंग को चेलेंज नहीं कर रहा हूं ।

MR. SPEAKER: He is not getting my concent. All the same he wants to made a submission which I want to listen.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta—South): Then you allow everybody to do it.

SHRI K. LAKAPPA (Tumkur): You are allowing like this. They are interrupting the proceedings of the House. You are allowing them like this. They are wasting the time of the House. Let the official business go on.

MR. SPEAKER: Mr Lakappa, let me listen to him for a few minutes. Kindly sit down please. I welcome it; let me understand; I can be guided by it.

श्री मधु लिमये : अध्यक्ष महोदय, मैं श्री रघुरामैया के इसी तरह के मोशन की और आप का ध्यान दिलाना चाहता हूं जो कि उन्होंने 1969 में पेश किया था । इसी 338 को सस्पेंड करने के लिए । वह मोशन पास हो चुका था और उस को वे तत्काल री-मोपन करना चाहते थे ।

अध्यक्ष महोदय : आप बताइए कि क्या मोशन था ?

श्री मधु लिमये : यह इन का प्रस्ताव है । यह आप लोक सभा की डिबेट देखिये अगस्त 7, 1969 की, पेज 259 । यह इन का प्रस्ताव है । आप देखिये

[Shri Madhu Limaye]

August 7, 1969. Page 259:

"That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the Motion for the rescission of the decision of the House adopting Amendment No 53 to Clause 4 of the Salaries and Allowances of Members of Parliament Bill, 1969 and Clause 4 as amended, be suspended."

MR SPEAKER: That was in 1972 or

SHRI MADHU LIMAYE: That was in 1969

SHRI K LAKKAPPA: How does it apply to these things here? He is wasting the time of the House

श्री मधु लिमये अध्यक्ष महोदय यह इस की बैकग्राउन्ड है । ऐसे कई उदाहरण हैं । मैंने इस को इसलिए दिया है कि समद् कार्य मंत्री जी यहां पर बैठे हुए है, वैसे 1964 और 1966 के भी कई मेरे पास उदाहरण ह ।

अध्यक्ष महोदय आप ने जो मेरा नो-कांफिडेंस मोशन डिबार किया, वह 338 के तहत किया कि इस के तहत और कोई प्रस्ताव नहीं आ सकता। लेकिन श्री रघुरामैया ने जिस पर एक दफा निर्णय हो चुका था, उसी को री-मोपन किया और उस को निगेटिव करने के लिए यह प्रस्ताव लाए थे । उस वक्त स्पीकर साहब ने उस को स्वीकार किया था और एडमिट करने के बाद उस पर वोट हुआ था । मेरे प्रस्ताव को 338 के तहत आप ने डिबार किया है और मैं इस को मानता हू हालांकि मैं इस से सहमत नहीं हूं । मैं इस पर कोई चैलेंज नहीं दे रहा हूं । अब इस बाधा को, हर्डिल को दूर करने के लिए मुझे क्या करना है । रूल 338 को जब तक मैं सस्पेंड नहीं करवाता, तब तक मेरा जो कांटिन्जेन्ट मोशन है, वह नहीं जा सकता। यानी यह पास होने के बाद दूसरा आ सकता है । अगर आप इस को अपनी स्ट्रीम रोलर मेजोरिटी के जोर पर गिरा देते है, तो मैं दूसरा मोशन मूव नहीं करूंगा । तो आप इतने अनुदार क्यों हैं । आप के पास दो तिहाई मेजोरिटी का जो हथियार है उस को छोडिये लेकिन बहस को, विवाद को तो मत खत्म कीजिए । यह विवाद और तर्क की जगह है । यह हल्ले की जगह नहीं है । इसलिए अध्यक्ष महोदय, आप इस नियम के तहत श्री रघुरामैया जी के साथ एक व्यवहार करते है और मेरे साथ दूसरा न्याय क्योंकि उन की दो तिहाई बहुमत है । उन का नियम की प्रोटेक्शन 388 के तहत में देते हैं । इस का फायदा श्री रघुरामैया जा ता उठा सकते है क्योंकि वे भगवान के प्यारे हैं ..(व्यवधान)

वे फायदा उठा सकते है और क्योंकि हम अल्पमत में है, इसलिए हमें इस का प्रोटेक्शन नहीं मिल सकती । इसलिए अध्यक्ष महोदय, मैं हाथ जोड कर आप से कहना चाहता हू कि आप इस पर अपना निर्णय दे । मैं पार्लियामेंट प्रोब की न्यायोचित मांग के लिए ऐसा कर रहा हू । आप चाहे तो अपनी स्ट्रीम रोलर मेजोरिटी का इस्तेमाल करके इस को खत्म करा दे लेकिन यह पोस्टीरिटी के लिए, आने वाली पीढ़ियों के लिए मैं यहां पर दर्ज कराना चाहता हूं

कि कम से कम

you should try to hold the scales even.

आप तराजू का ठीक तरह से तो तोलिये और श्री रघुरामैया के लिए एक न्याय और मेरे लिए दूसरा न्याय नहीं होना चाहिए ।

MR. SPEAKER: The case that you quoted was in 1969. That was after the motion.

श्री मधु लिमये वह मोशन तो पास हो चुका था ।

अध्यक्ष महोदय इस को देखते हुए, मैं इस से इंकार नहीं कर सकता हूं कि यह न आए ।

SHRI VASANT SATHE: That precedent does not apply here. The rules are very clear.

MR. SPEAKER: Whatever that may be, I happened to be here in the House, I was reminded of the context with which it came up. I may tell you that whatever be the reasons, I cannot deny him the right under 338 to move that. I simply cannot do it. Because I happened to be here, I am reminded of the discussion. I know the fate of this motion. I know the background under which it came. I cannot deny that.

SHRI SHYAMNANDAN MISHRA: One word more. We want some guidance on this. Have you ruled out the No-Confidence Motion tabled by the hon'ble Member, Shri Limaye under 338?

MR. SPEAKER: Under 338, this cannot come in the same session.

SHRI VASANT SATHE: Sir, it has to be under 388 and not under 338 and it has to be in relation to a motion.

MR. SPEAKER: It is very carefully worded. I have read it twice. If I had any flaw visible in it I would have pointed it out. I cannot deny it. But there will be no debate on it.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Please allow us to speak.

MR. SPEAKER: No, no. I am not allowing any debate. You have spoken so much already.

SHRI JYOTIRMOY BOSU: Sir, I rise on a point of order. My point of order is that if you wish me to express my vote on a particular motion, I shall have full right as Member of the House to appraise the House as to the reason why one should vote in favour of it or against it. I should be allowed to make submission and my submission is that a situation has developed in this House during the last four to five days all due to the mal-practices and misdeeds of the Congress party....

MR. SPEAKER: If you put other matters into it I will not allow. I am putting it to the vote of the House. The question is:

"That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha, in its application to Shri Madhu Limaye's motion of No-confidence under Rule 198 (of which notice has been given by him for 4th September, 1974) be suspended."

The motion was negatived.

SHRI SHYAMNANDAN MISHRA: We are sorry for the practice you are laying.

(Interruptions)

14.15 hrs.

CONSTITUTION (THIRTY-SIXTH AMENDMENT) BILL

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): Hon'ble Mr. Speaker, Sir, I beg to move*:

"That the Bill further to amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship, be taken into consideration."

The Bill comprises of an insertion of a new Article 2-A after Article 2 of the Constitution providing for the association of Sikkim with the Union of India on terms and conditions specified in the Bill.

14.15½ hrs.

MOTION OF NO-CONFIDENCE IN THE COUNCIL OF MINISTERS—*Contd.*

SOME HON. MEMBERS: We want Division.

MR. SPEAKER: I had expressly asked and waited. Now, I have already declared the result. Inspite of the fact that I had asked them and nobody at that time came forward, I am prepared to revise my decision and let there be Division.

I do not mind if they are going to be satisfied by a division. May I tell you, I have allowed this just for their satisfaction because they say, they said it. If they had said it, and if I did not hear, it is a different matter.

I would request you. For their satisfaction, let it be done. This is my personal request. They should have at once got up here. This is something very unusual. I accommodate them. I put the question that the Rule be suspended. No objection was raised. Whatever it be, for their satisfaction, let it be done.

Now, the question is:

"That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha, in its application to Shri Madhu Limaye's motion of No-Confidence under Rule 198 (of which notice has been given by him for 4th September, 1974) be suspended."

The Lok Sabha divided:

Division No. 18] [14.27 hrs.

AYES

Bade, Shri R. V.
Banera, Shri Hamendra Singh
Berwa, Shri Onkar Lal
Bhagirath Bhanwar, Shri
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri Jagadish
Bhaura, Shri B. S.
Chowhan, Shri Bharat Singh
Dandavate, Prof. Madhu
Dutta, Shri Biren
Gowder, Shri J. Matha
Guha, Shri Samar
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Joseph, Shri M. M.
Joshi, Shri Jagannathrao
Kachwai, Shri Hukam Chand
Krishnan, Shri E. R.

*Moved with the recommendation of the President.

Lalji Bhai, Shri
Limaye, Shri Madhu
Mavalankar, Shri P. G.
Mishra, Shri Shyamnandan
Mohanty, Shri Surendra
Mukherjee, Shri Samar
Parmar, Shri Bhaljibhai
Pradhan, Shri Dhan Shah
Ranabahadur Singh, Shri
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sen, Shri Robin
Shakya, Shri Maha Deepak Singh
Shastri, Shri Shiv Kumar
Sinha, Shri C. M.
Sinha, Shri Satyendra Narayan
Yadav, Shri Shiv Shanker Prasad

NOES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ambesh, Shri
Anand Singh, Shri
Ansari, Shri Ziaur Rahman
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Balakrishniah, Shri T.
Banamali Babu, Shri
Barman, Shri R. N.
Barupal, Shri Panna Lal
Basumatari, Shri D.
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chawla, Shri Amar Nath
Chhotey Lal, Shri
Chhutten Lal, Shri
Damani, Shri S. R.
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.

Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hari Kishore Singh, Shri
Hari Singh, Shri
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kale, Shri
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D
Kamla Kumari, Kumari
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Kotoki, Shri Liladhar
Kotrashetti, Shri A K.
Krishnan, Shri G. Y
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahata, Shri Debendra Nath
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Mallanna, Shri K.
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Marak, Shri K.
Maurya, Shri B. P.
Melkote, Dr. G. S.
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Mishra, Shri L N.
Misra, Shri S. N.
Modi, Shri Shrikrishan
Mohan Swarup, Shri
Muhammed Khuda Bukhsh, Shri
Murmu, Shri Yogesh Chandra
Naik, Shri B. V.
Negi, Shri Pratap Singh
Oraon, Shri Kartik
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S T.
Panigrahi, Shri Chintamani
Paokai Haokip, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Peje, Shri S. L.
Pradhani, Shri K.
Purty, Shri M. S.
Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai

Rajdeo Singh, Shri
Ram Dhan, Shri
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Shri M. S. Sanjeevi
Rao, Shri Nageswara
Rao, Shri Rajagopala
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ray, Shrimati Maya
Reddi, Shri P. Antony
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri

Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sarkar, Shri Sakti Kumar
Sathe, Shri Vasant
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafquat Jung, Shri
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Prof.
Shetty, Shri K. K.
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Shri Swaran Singh
Sunder Lal, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri

Tewari, Shri Shankar
Tiwari, Shri Chandra Bhal Mani
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.

Uikey, Shri M. G.
Unnikrishnan, Shri K. P.

Verma, Shri Sukhdeo Prasad

Yadav, Shri Karan Singh
Yadav, Shri R. P.

MR. SPEAKER: The result* of the division is:

Ayes: 35; *Noes*. 206.

The motion was negatived.

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*The following members also recorded their votes for NOES:—
Sarvashri Jagdish Narain Mandal and C. M. Stephen.

14.26 hrs.

CONSTITUTION (THIRTY-SIXTH AMENDMENT) BILL—*contd.*

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): To continue my submission....

PROF. MADHU DANDAVATE (Rajapur): Begin it afresh.

SHRI SWARAN SINGH: The House is aware that the past 25 years have been a period characterised by close understanding between India and Sikkim, a period during which we exercised our various responsibilities primarily in the field of defence, external relations and communications and had also undertaken the planned development of Sikkim. While relations between India and Sikkim had been marked by a good understand and the closest co-operation during this period, it was becoming obvious that the internal administration of Sikkim and its political structure had led to the progressive isolation of the people from participation in her administrative and political institutions.

In this connection, I might bring to the notice of the House that as early as April, 1950, Sikkim's political leaders had expressed the hope that a responsible government would soon be established under which Sikkim can have a constitution reflecting the will of its people and providing for the closest links with India. Unfortunately, this hope of the people of Sikkim to have fair and free elections to form a representative government and to have a constitutional set-up in accordance with the wishes of the people did not materialise during the past two decades.

The events of April, 1973, it is now clear, were a culmination of the seething discontent against undemocratic rule and the failure of the people to achieve a responsible government. After elections in Sikkim, the people launched an agitation against the Government. It was clear that in the existing system, democratisation had not kept pace with the urges of the people, leading to total lack of understanding and communication between the Ruler and the people of Sikkim. The law and order situation had completely broken down. It was in this situation that both the Ruler and the people of Sikkim turned to the Government of India for assistance in the restoration of law and order. The Government of India endeavoured to foster understanding between the Chogyal and the people of Sikkim while fully appreciating the fact that political evolution, which called for the people's participation in their governance, was a desire that must be respected. During this, unsettled period of Sikkim, the Government of India was called upon to play a role in which on the one hand the earlier political structures continued to exist while on the other, the desires of the people to participate in the Government of Sikkim had to be satisfied There was a recognition that a new long-suppressed force, had come into its own in the body-politic of Sikkim.

14.29 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*].

On 8th May, 1973, a historic agreement was signed by the Chogyal of Sikkim, leaders of the political parties and the Government of India under which elections were to be held in Sikkim for the first time on the basis of one man, one vote. The election manifesto of the Sikkim Congress, the majority party, subsequently elected to the Assembly, called for a "strengthening of the bonds that already exist with the Government and the people of India to draw them even closer." It added: "We also aspire to achieve the same democratic rights and institutions that the people of India have enjoyed for a quarter of century".

Elections were held in Sikkim in the month of April, 1974. Subsequently the Sikkim Assembly met for the first time on the 16th May. On the 11th May the Assembly unanimously adopted a Resolution reiterating the determination, earlier embodied in the Agreement of May 8, 1973, to further strengthen the relations between India and Sikkim, The Resolution further stated: "Taking note of the Government of India's responsibility for the security and defence of Sikkim, for its external relations and for good administration in Sikkim and bearing in mind the special interest and responsibility of the Government of India for the further democratic evolution and rapid economic and social development of Sikkim, this Assembly resolves and hereby requests the Government of India to examine the modalities of further strengthening India-Sikkim relationship as already agreed to in the Agreement of May, 8, 1973 signed between the three parties and to take immediate steps for Sikkim's participation in the political and economic institutions of India."

By the 20th June, 1974, a Bill incorporating a new constitutional structure which later became the Government of Sikkim Act, 1974 had been drafted and was considered by the Assembly at its meeting held on 20th June, 1974. This Bill was further considered and was unanimously adopted, after a clause by clause examination, on the 28th June. On the same day, the Assembly adopted another Resolution in which it unanimously resolved that measures should be taken, amongst other things, for seeking representation for the people of Sikkim in India's parliamentary system.

I should particularly like to emphasise for the information of the hon. Members that the Sikkim Act of 1974 was passed unanimously by the Sikkim Legislative Assembly, elected for the first time by fair and free elections based on the principle of one-man one vote. By this Act the people of Sikkim through their elected representatives defined the constitutional set-up they wanted for their Government, as also the relationship between Sikkim and India and the responsibilities of our Government The Chogyal gave his assent to this Act on 4th July, 1974.

The Act reaffirmed Sikkim's desire for association with India in order to achieve speedy development in social, economic and political fields. Article 30(c) of the Act sought participation and representation for the people of Sikkim in the political institutions of India.

Immediately after the formation of the Sikkim Cabinet the Chief Minister made two formal approaches to the Government of India to take necessary legal and constitutional steps to give effect to the Act, specifically the decisions contained in article 30(c).

I should like to assure the House that after having received the request of the Sikkim Government in the last week of July, every effort was made to study this request of such far-reaching importance, in all its ramifications. We attach the highest possible importance to our relations with Sikkim and despite our efforts to ensure careful and speedy examination, detailed consultations with the Ministry of Law and the Attorney General took nearly a month. The consensus was that the wishes of the people of Sikkim could best be met by the introduction of a constitutional amendment providing for their participation and representation in the Indian Parliament. The Bill now before the House consists of a constitutional amendment associating Sikkim with India under the terms and conditions set out in a new Tenth Schedule. This binds together all the complex network of existing relations and responsibilities between Sikkim and India brought about as a result of various agreements and understandings. It is also a counterpart to the relevant provision of the Govern-

[Shri Swaran Singh]

ment of Sikkim Act where these provisions are enunciated.

This amendment is designed to meet a new situation in which the democratic leaders of Sikkim wish to establish a nexus with the larger and vital democratic institutions of India while, at the same time, preserving Sikkim's distinct identity. During the last twenty five years, the Government of India has exercised certain responsibilities in Sikkim. We continue to honour Sikkim's status, its Ruler, its Constitution, its Assembly and above all, its close links with India. This constitutional amendment is an enabling one for the democratic leaders of Sikkim to share in the main-stream of India's political and economic life while continuing to maintain Sikkim's distinct identity.

I would like to add that this desire on the part of the elected Assembly of Sikkim is also a natural desire. India has the responsibility to look after many matters which I had mentioned—their external relations, defence and several other functions which I mentioned a moment ago. Their desire to be associated at the highest policy-making level, *i.e.* the Parliament, so that in the conduct of those relations also they should have their voice. This is a concession they are asking now from the Indian Parliament and it is for us to decide whether we should or should not respond positively to this urge of theirs. It is in pursuance of our positive response that this Constitution (Amendment) Bill is now before the House for consideration.

Consultations with leaders of the opposition parties have already been held on three occasions in the last 4 or 5 days. We have accepted two suggestions one which there was a general consensus: Firstly, the Lok Sabha member from Sikkim should be elected by direct election and not by indirect election through the members of the Sikkim Assembly. Secondly, the criteria laid down by our Constitution, i.e., the Indian Constitution, which disqualify a person to be a member of our Parliament should also be applicable to the members from Sikkim, except on the question of nationality. These two suggestions have been accepted as a result of these discussions. At the appropriate time I will move amendments to give effect to this understanding. I have already given notice of these amendments and I hope they have been circulated to the hon. members.

With these observations, I comment my motion to the House.

MR. DEPUTY-SPEAKER: Motion moved:

> "That the Bill further to amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter relationship, be taken into consideration."

SHRI JYOTIRMOY BOSU (Diamond-Harbour): I have given a motion that this House should not sit beyond 6 PM under any circumstances. My motion, coming from a feeble minority, should receive your consideration.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): This is a Constitution (Amendment) Bill which requires a certain majority. It has been the practice in this House that when such Bills are taken, we pass the Bill the same day because a particular majority has been mobilised by all parties for that purpose. Bearing that in mind and considering the time at which it has commenced, I beg to move:

> "That this House do continue to sit today till the Constitution (Thirty-sixth Amendment) Bill, 1974 is passed."

MR. DEPUTY-SPEAKER: With regard to this motion, if the Speaker has given his consent to move it, then it is quite in order for the

Minister of Parliamentary Affairs to move it. I do not know whether the Speaker has given his consent. I do not see it here. But I have no objection to it. I am saying this only on the procedural aspect.

This question came up in the last session when one hon. Member wanted to move a motion for the extension of the session of the House up to a particular period. I ruled it out on the ground that the determination up to what time the House should sit and when it should adjourn are the prerogative of the Speaker. Rule 15 says:

> "The Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular day, or to an hour or part of the same day."

I think it will be more regular if the Government puts this to the Speaker and I think he would more than readily agree to it. I see the point that it being a Constitution Amendment Bill, and this being the day notified for the purpose, it has to be completed today. But, instead of coming in an irregular way, with a motion in this way, before the House, which takes away the prerogative of the Speaker, why not put it to the Speaker and let him decide it? I think he will accommodate it.

SHRI K. RAGHU RAMAIAH: May I submit that I have submitted this motion for the consideration of the Speaker? You may find out from the Table what has happened to it.

MR. DEPUTY-SPEAKER: Very well. If the Speaker had agreed to it, I will put it to the House. The question is:

> "That this House do continue to sit today till the Constitution (Thirty-sixth Amendment) Bill, 1974 is passed."

The motion was adopted.

SHRI K. RAGHU RAMAIAH: Now I come to your preorgative, Sir, Will you be good enough to fix the time?

MR. DEPUTY-SPEAKER: I think the time is fixed—till it is passed. What else do you want?

SHRI K. RAGHU RAMAIAH: Again I have got a small submission to make in view of your observation. As you know, we will have to inform the Members in advance because they cannot be waiting indefinitely. Therefore, I submit for your consideration that the motion for consideration may be taken up at 5 O'clock and then clause by clause consideration may be taken up.

MR. DEPUTY-SPEAKER: Is it the suggestion of the Minister for Parliamentary Affairs that the Minister may be called at 5 O'Clock?

SHRI K. RAGHU RAMAIAH: I agree that the Minister may be called at 5 O'clock. As soon as the Minister finishes his speech, the voting will begin.

SHRI P. K. DEO (Kalahandi): It virtually amounts to steam-rollering of the entire process. This is a Constitution Amendment Bill of great significance. We will have to make observations on this Bill which will go to posterity. Such a Bill of this importance cannot be steam-rollered like this. I suggest that six hours must be given for the consideration stage.

MR. DEPUTY-SPEAKER: We have decided that we will sit today till the Bill is passed. That is a decision of the House I think this detail of how much time and all that can be discussed with the Speaker.

SHRI P. G. MAVALANKAR (Ahmedabad): We have already passed the motion of the Minister of Parliamentary Affairs that this House will

[Shri P. G. Mavalankar]

sit as long as this Bill is discussed and passed today because the special majority is required. I agreed. I did not say, no. Having agreed to that, the Minister now wants to bind us further by saying that by a particular hour, this discussion must be over.

MR. DEPUTY-SPEAKER: He only made a suggestion.

SHRI P. G. MAVALANKAR The argument is not right, the reason is not valid. He said, because it requires two-thirds majority, the people cannot wait here and, therefore, it will be over at 5 O'Clock. But they must be here all the time. He cannot bind us like that

MR DEPUTY-SPEAKER: We have decided to sit until this Bill is passed The only relevance in the suggestion made by the Minister of Parliamentary Affairs or any Member is for determining how much time should be given to each Member. We have to decide that. There has been a suggestion that 6 hours should be allotted for this Bill. I do not know whether that was approved by Members.

I think, let us now fix 5 hours for this discussion....

SHRI K. RAGHU RAMAIAH: For the whole Bill

MR. DEPUTY-SPEAKER: There has to be a consensus on this.

Let us fix 5 hours for this and then go on and see. Shri Samar Mukherjee.

SHRI JYOTIRMOY BOSU: I have a point of order. I wrote to you....

MR. DEPUTY-SPEAKER: I have seen your letter.

SHRI JYOTIRMOY BOSU: The Speaker consented to allow me to speak after the Minister moves the Bill for consideration. He had said that.

MR. DEPUTY-SPEAKER: I have seen your letter. You want to raise a point of order. I thought that the proper time for raising a point of order was before the Minister moves the Bill for consideration.

SHRI JYOTIRMOY BOSU: I did that.

MR. DEPUTY-SPEAKER: I am not shutting you out. I only want to do this that we run this House according to a certain procedure and in a certain regular manner. If others commit some mistakes, I cannot afford to commit mistakes. I shall not commit mistakes.

Now, it would have been much in order if you had raised a point of order before the Minister moved the motion for consideration. But I also admit, because I was sitting there—the Table can correct me if I am wrong; there was a lot of noise and confusion—that, I think, something like that was said that you might do it after the Minister moves the motion I think, something like that was said. In view of this, I think, we would depart from the normal procedure and allow him to raise a point of order even now.

SHRI JYOTIRMOY BOSU: Sir, at the introduction stage itself, we had opposed this Bill from the constitutional points of view as also from the point of view of our principles. But now a very serious thing has come to my notice. The Bill is based on the Sikkim Act, 1974.

The Statement of Objects and Reasons says:—

"After the promulgation of the Government of Sikkim Act, the Chief Minister of Sikkim has made

formal requests to the Government of India through the Chief Executive requesting the Government of India to take such steps as may be legally or constitutionally necessary to give effect to the Government of Sikkim Act, 1974....

Now, I have got a document before me which proves that the Sikkim Act that is available in the printed form is not the true and correct representation of the proceedings of the Sikkim Assembly. I have got a copy of the proceedings of the Sikkim Assembly held at 9.45 P.M. on 20th June, 1974. It says:

"The following amendments were moved, seconded and passed without any opposition. On each motion of amendment, the President asked the Members to oppose the motion....".

Now, if you look at the Sikkim Gazette which published in its extraordinary issue dated the 6th July, 1974, the Government of Sikkim Act. ...

MR. DEPUTY-SPEAKER: What is your point of order?

SHRI JYOTIRMOY BOSU: The point of order is that the hon. Minister has chosen to take the House for a ride in that the Sikkim Act he has talked about is not the correct, true and faithful reproduction or representation of the proceedings of the Sikkim Assembly. It is a very serious matter. Take, for example, the portion: 'The follwing amendments were moved, seconded....

MR. DEPUTY-SPEAKER: Please sit down. You are raising a point of order and you are submitting that the Government of Sikkim Act, as distributed, is not the true copy, according to you. Your allegation is that it is not a true copy...

SHRI JYOTIRMOY BOSU: It is not a faithful reporting of the preceedings of the Sikkim Assembly.

MR. DEPUTY-SPEAKER: How does this submission of your stand in the way of the discussion on the motion of the Minister?

SHRI JYOTIRMOY BOSU: The 'Statement of Objects and Reasons', in its first paragraph, says:

"The Chogyal promulgated this Bill on the 4th July, 1974, as the Government of Sikkim Act, 1974.." Then it is said:

"After the promulgation of the Government of Sikkim Act, the Chief Minister of Sikkim has made formal requests to the Government of India through the Chief Executive requesting the Government of India to take such steps as may be legally or constitutionally necessary to give effect to the Government of Sikkim Act, 1974, and the resolutions passed by the Assembly and particularly for providing for representation for the people of Sikkim in Parliament."

MR. DEPUTY-SPEAKER: What is the point of order.

SHRI JYOTIRMOY BOSU: The point of order is that the Sikkim Act on the basis of which they are bringing forward this Bill is not the true and proper representation of the proceedings of the Sikkim Assembly. What we have got here in black and white is different. We cannot act on the basis of a document which is unreliable and unfaithful.

Apart from that, the Nepal....

MR. DEPUTY-SPEAKER: It is not a point of order.

SHRI VIKRAM MAHAJAN (Kangra): It is a point of disorder.

MR. DEPUTY-SPEAKER It is his submission and it is for the Government to repudiate this and say whatever they want on the matter. Therefore, it is not a point of order.

Mr. Samar Mukherjee.

SHRI SHYAMNANDAN MISHRA (Begusarai): This is a point of order in the sense that the entire edifice of the Bill is based on the said Act, If the said Act is different from the Act which was actually passed after amendments and so on, then it completely changes the picture. We have to know from the hon. Minister whether the allegation of the hon. member is correct; the entire edifice of the Bill is based on that.

SHRI JYOTIRMOY BOSU: It is based on a fictitious document. I can lay this on the Table of the House.

MR. DEPUTY-SPEAKER: Let us discuss this matter very coolly. It is not a point of order in the sense that it does not prevent a discussion. If at all what you say is correct, then the only thing that follows from that is a privilege against the Minister for misleading the House. But it cannot be a point of order.

SHRI SHYAMNANDAN MISHRA: The entire House is being asked to consider a measure which is supposed to be based on an Act which does not seem to exist in the form in which it has been presented to the House.

What are we discussing then? Should you not help the House in finding out the Act on which this Bill is based? Should we not have that Act before us?

SHRI JYOTIRMOY BOSU: Let me lay it on the Table of the House. Let it be circulated to the Members. Let them judge it for themselves.

MR. DEPUTY-SPEAKER: You can hand it over to me.

SHRI P. G. MAVALANKAR: It will be recalled that at the time of the introduction of this Bill two days ago some of us, on this side of the House, had raised certain objections particularly with regard to...

MR. DEPUTY-SPEAKER: Is it a point of order?

SHRI P. G. MAVALANKAR: My submission is this, that when we raised those points of objection, the Minister of External Affairs said that all these matters will be considered at the time of consideration of the Bill. And then the Minister said, he even admitted or rather he agreed, that there was a new concept of constitutionalism introduced in it, but in his written speech he has just now made, he has not made any reference to it. If he could kindly explain it to us, then we can discuss it further.

MR. DEPUTY-SPEAKER: When I am engaged with some other points, you are submitting something different. I am not hearing any new point. The only point of order that was raised by Shri Jyotirmoy Bosu and reinforced by Shri Shyamnandan Mishra is whether we can proceed with this discussion on the basis of a document which they allege, is not a true document. How am I to determine that?

SHRI SHYAMNANDAN MISHRA: He has produced.

MR. DEPUTY-SPEAKER: Even if he has produced the document, how am I to determine that, when the Government and a lot of reliance has to be placed on the word of the Government...

SHRI SHYAMNANDAN MISHRA: They are keeping mum.

MR. DEPUTY-SPEAKER: They will just come out definitely when they assert that it is a true document. When you say that it is not a true document, it is for the House to judge and decide.

SHRI SHYAMNANDAN MISHRA: This is not a matter to be decided by majority. It is a matter to be decided by the Chair.

MR. DEPUTY-SPEAKER: This is not a matter to be decided by the Chair.

SHRI SHYAMNANDAN MISHRA: How?

MR. DEPUTY-SPEAKER: How am I to decide? How am I going to find out?

SHRI SHYAMNANDAN MISHRA: There are two documents in your hand.

MR. DEPUTY-SPEAKER: When these things are placed before the House, it is for the House to deliberate and to come to a decision.

SHRI H. N. MUKERJEE (Calcutta—North-East): In the absence of even one syllable from the Government, in the meantime, are we to be in two minds?

MR. DEPUTY-SPEAKER: If the Government want to make any comment on this before we start the discussion, I am prepared to hear them.

SHRI SWARAN SINGH: With your permission, may I clarify the point. It is a well-known principle that with regard to the actual proceedings that may be conducted in another legislative body, the final Act is the important thing. It is the relevant thing, whatever may be the discussion.... (*Interruptions*) Will you be good enough to listen to me? I have not studied what he says are the amendments that were discussed on a particular day. The relevant thing from my point of view is that there is a Government of Sikkim Act published in their Gazette and I have supplied copies of that and placed a number of copies in the library. What were the proceedings that ultimately culminated in the evolution and adoption of that Act is a matter about which I am not concerned and I am not going to go into that, because that is not done. The final Act as it was adopted and as it was published in their Gazette is the Act on the basis of which we are proceeding.

15.00 hrs.

May I further add, Sir, that this is a matter on which I would appeal to all hon. Members, to consider the substance of the Act as it is adopted by the Sikkim Assembly, namely whether there is a desire expressed by them that they want to participate in the political institutions of India namely the Parliament? And if we are satisfied on that issue, I would appeal to them, let us utilise this time to discuss the substance rather than the peripheral matters. This is my appeal and I hope that he will respond positively.

MR. DEPUTY-SPEAKER: There is nothing more; let us not go into a discussion now.

SHRI JYOTIRMOY BOSU: Mr. Swaran Singh has taken shelter under a document which is not a faithful document. It does not faithfully say what has taken place in the Assembly.

MR. DEPUTY-SPEAKER: Order please.

SHRI JYOTIRMOY BOSU: We shall be doing a highly improper thing.

MR DEPUTY-SPEAKER: Order please. I have heard you fully. You say it is highly improper. Kindly sit down. You say, it is highly improper. I say, it will be highly improper for anybody even in this country, to go into the proceedings of this House. It is only the law as passed by this House which is justiciable in the Court of Law and the Court cannot call for the proceedings.

SHRI SAMAR MUKHERJEE (Howrah): There is one point here; he is insisting that the Act passed which has been circulated here is not the same that is passed there.

MR. DEPUTY SPEAKER: If it is your submission that the Act as circulated is not the same Act as is really passed, then, that is a matter to be discussed here.

SHRI BHOGENDRA JHA (Jainagar): The Act as passed, as given to you by Mr. Jyotirmoy Bosu is not the publication of the Government of India. That is the Durbar Gazette of Sikkim. That is their publication. So, it is authentic. The Government of India have no hand in it. They can be interpreted or misinterpreted. That is their publication. You should proceed on it. This is publication of the Sikkim Government, Durbar Gazette. I have known it. That is the copy, the official copy of the Sikkim Government, not the copy produced by the Government of India. So, there is no question of misinterpretation. Let us proceed with this.

SHRI JYOTIRMOY BOSU: Is it not a fact that an Indian Civil servant is on the top of this entire affair? Is it not a fact.

MR. DEPUTY SPEAKER: It is not relevant at this point. Order please. Shri Samar Mukherjee.

SHRI SAMAR MUKHERJEE: (Howrah): The Constitution (Amendment) Bill brought in this House has been done very hurriedly. We objected to this at the meeting called by the Prime Minister. An explanation was given that actually it has not been done hurriedly. It may be in the knowledge of the Government of India that it is cooked up behind the public eye. This has come to our knowledge all of a sudden and we have been asked immediately to express our views on it. We wanted time to give serious consideration. But the time was not given. We were consulted only after the Government had already made up its mind. They had prepared a draft Bill before even the Opposition was consulted. We have given some thoughts to this Bill. In our Party's Central Committee meeting, they have assessed all these aspects and the implications behind this Bill. They have come out with a Resolution considering all aspects of the Bill. Our party totally opposed this Bill. Why are we opposing? The explanation given by Government in justification of the Bill is that Government is now responding to the desire expressed by the Assembly that their Members should be associated with the social and political life of India. And that is why, as a democratic gesture, the Government of India is resorting to this amendment of the Constitution to include two of their representatives in the two Houses of Parliament.

If we seriously analyse the developments and the arguments advanced by the Government of India in support of the amending Bill, what we see is this The identity of Sikkim until now is traditionally maintained. Now that could not be completely changed. So, the main purpose or the implication behind this Bill is that Sikkim is being absorbed with India by this Bill. That is your argument. You will do that publicly. But, the real intention is quite evident. The identity of Sikkim is traditional. It is not a part of India. By this Bill you are making Sikkim verbally a part of India though formally you are not accepting this position. It has serious implications—not only international implications but also national implications. This will create further bitterness among the peoples of both India and Sikkim. The stand taken by the Government of India is that you want to increase further the friendly relations and further cooperation for a progressive realisation of a fully responsible Government in Sikkim. That is the statement of objects and reasons of the Bill. Your object is to harmonise the close relationship of Sikkim with India. But, really, that is just the opposite. The relation of India with

Sikkim is not as equals. The Government of India, through this Bill, tries to stabilise all the agreements so far made by the Government of India with the Government of Sikkim. First, with Chogyal and then that tripartite agreement and then the Constitution adopted in Sikkim. Actually the agreement of 1950 is an unequivocal agreement. This is the survival of the colonial outlook which the Government of India has inherited from the British. The Agreement actually authorises Government of India to exercise all its authorities not only in relation to foreign affairs, communications and defence but also in relation to internal law and order and even maintenance of proper administration. Virtually, what does it mean? It amounts virtually, though not formally, to the position of a colony though in terms of the Agreement Sikkim is a protectorate. I may be allowed to quote from Shri Swaran Singh's speech delivered in the House day before yesterday

> "The basic point if I may say on which this House has first to make up its mind is in our relationship with Sikkim where even without any amendment of the Constitution there are certain responsibilities that we carry. These responsibilities are that we are solely responsible for their external relations for defence, because defence of Sikkim and defence of India are very much inter-connected and there is mutuality of interest in that respect.
>
> Even in matter of communication and also in the matter, if I may add which is something out of the normal idea, of the internal law and order and to ensure good administration, there are responsibilities that we carry in relation to Sikkim."

So, there is no independence and freedom in the real sense. In this Bill it has been categorically said:

> "The provisions of this Schedule shall be in addition to, and not in derogation of, any other power, jurisdiction, rights and authority which the Government of India has or may have in or in relation to Sikkim under any agreement, grant, usage, sufferance or other lawful arrangement."

Is this the way to help the people of Sikkim? This is complete negation. The real aspiration of the people of Sikkim is to get rid of the autocratic and feudal ruler. Just now the Minister stated that people had to resort to struggles, movements and there were upsurges several times. He also said that both the people of Sikkim and the ruler sought the help of Government of India. What role did they play? Is it the real aspiration of the people of Sikkim? No. They wanted the end of feudalism but with the intervention of the Government of India this institution of monarchy and feudal rulership is still maintained.

It is true, the power of Chogyal has been curbed. But, has that power, which was so long enjoyed by the Chogyal and which has now been curbed due to the impact of the movement, been transferred to the people? No People are not benefited to the extent they wanted. On the other hand, what we see? By this agreement which has been arrived at and under the Constitution of Sikkim which has been enacted, the supreme authority has been given to one Chief Executive. He is an Officer appointed by the Government of India. He is the supreme lord. He has become the *ex-officio* President. Chairman of the Assembly and without his consent, nothing can be passed. He has the supreme power. The Chogyal has to depend fully on him. Then, the Constitution says that if there is any difference between the Chogyal and this Chief Executive Officer, the matter should be referred to the Government of India and the final authority is the Government of India. That means,

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Government of India is the real ruler of Sikkim, not the people of Sikkim.

(Interruptions).

This is in the Constitution. You may shout 'No'. But, this the reality; this is in the Constitution which you have circulated and this is the Constitution you want to defend; you want to maintain through this amending Bill. Why are you nodding your head? This is in the Constitution.

SHRI SWARAN SINGH: Because you looked at me nodding my head, I thought, probably you wanted to hear me. The main point is, we are discussing the Constitution Amendment Bill here. We are not writing a Constitution for Sikkim. It is the Sikkim Assembly who has to write their Constitution. If they adopt another Constitution I cannot alter their Constitution. It is for them to decide whether they want to have a Chogyal or what are the powers that they want to share with us etc.

SHRI SAMAR MUKHERJEE: Don't use eye-washes Mr. Deputy-Speaker, the text of the Resolution passed on the 20th June 1974 by the Sikkim Assembly states:

> "The Sikkim Assembly recalling the Resolution passed with the unanimous support of all the 32 Members of the Sikkim Assembly in its meeting held on May 11th, 1974; having examined the Constitutional framework for Sikkim proposed by the Constitutional Adviser deputed by the Government of India... .

Who has prepared this Constitution? The Constitution has been prepared by the Constitutional Adviser deputed by the Government of India. Is this democracy? You want us to believe that this is democracy and this has been prepared by the people of Sikkim;

SHRI SWARAN SINGH: He is only the draftman.

SHRI SAMAR MUKHERJEE: Mr. Swaran Singh, the Constitution provides that the Chief Executive Officer is the supreme lord. There is no power in the hands of the Assembly. They cannot even discuss home, finance etc. The Constitution provides which are the subjects the Assembly can discuss. I am reading it out.

> "The powers and functions of the Assembly—
>
> Public education, public health, Excise, Press and Publicity, Transport, Forests, Public Works, Agriculture, Food Supply, Economic and Social Planning including State enterprises and Land revenue."

Law and order, whose responsibility? Administration, whose responsibility? Everthing is your responsibility. You are ruling over Sikkim.

SOME HON. MEMBERS: No.

SHRI SAMAR MUKHERJEE: This is in the Constitution.

SHRI PRIYA RANJAN DASS MUNSI (Calcutta–South): Who is ruling Tibet?

SHRI SAMAR MUKHERJEE: No the functions of the Speaker'.

(Interruptions)

Government of India has accepted Tibet as a part of China. Pandit Jawaharlal Nehru accepted it.

(Interruptions)

SHRI BHOGENDRA JHA: He should be given protection. He is speaking and we should hear him.

MR. DEPUTY-SPEAKER: He cuts both ways.

SHRI SAMAR MUKHERJEE: 'The Chief Executive Officer shall be the *ex-officio* President of the Assembly' Has it ever happened in any parliamentary democracy? It has never happened. 'The Chief Executive Officer is the *ex-officio* President of the Assembly, and as such, shall perform the functions of the Speaker.'

SHRI B. K. DASCHOWDHURY (Cooch-Behar): On a point of order. We are discussing the Constitution Amendment Bill. Is there any word in this Bill? He says 'the chief executive officer'. What is the purpose of this Bill? Are we going outside the Bill?

SHRI SAMAR MUKHERJEE: He says so because of his ignorance.

SHRI B. K. DASCHOWDHURY: Where is the chief executive officer mentioned?

SHRI SAMAR MUKHERJEE: I have mentioned clause 5.

MR. DEPUTY-SPEAKER: The only question that arises is: are they our doings or the doings of the Sikkim Assembly acting in its sovereign capacity? Out of their own pleasure they accepted certain things. How do we come into the picture?

SHRI SAMAR MUKHERJEE: It empowers the Indian Government to appoint the executive officer; it empowers the sole bureaucratic authority. That is the essence of the situation. The Constitution had been drafted by an adviser sent by the Government of India. In the Constitution there is a provision that when there is any different, the matter should be referred to the Government of India for a final decision.

MR. DEPUTY-SPEAKER: I feel as if you are talking as a member of the Sikkim Assembly not a Member of this House.

SHRI SAMAR MUKHERJEE: I am talking about the implications it will have for the people of Sikkim as well as for the people of India; I am also thinking of repercussions internationally. Sikkim had all along a separate identity and was treated as a separate State. The essence of this is that it has virtually become a colony of India... (*Interruptions*) not formally but virtually. The Government of India in the name of helping them in democratic progress are doing these things. But the motive behind this Bill is not democratic. It is on the other hand grabbing of Sikkim. They are going to absorb Sikkim into India. You may advance the argument that the leaders of the Assembly want closer association with India in economic, political and social life. If you consider their basic aspirations and their basic democratic interests, they want to be independent; they want their self-development. Chogyal has been used as an instrument to American imperialism. This question should be discussed with all seriousness. It is the Government of India who are helping the institution of monarchy. The peoples' movement raised this demand that there should be no Chogyal regime; they wanted full autonomy, full rights to develop their internal conditions. They wanted to get rid of the autocratic rule. The Indian Government had a moral responsibility to help in that matter, in the end of the rule of Chogyal because Chogyal had become an instrument in the hands of American imperialism: (An Hon. Member...And Chinese expansionism). .You can comment according to your will. In your eyes the socialist country and the imperialist country are the same. There are international repercussions. It had its independent identity. Our main demand is that the institution of Chogyal should come to an end.

The Assembly should be made supreme. Your executive officer must be withdrawn completely. In all internal matters, the people of Sikkim must be given full powers without any restriction. Only in matters of external affairs, defence and communications you can have your responsibility.

Our doubt about your motive is this. In the Sikkim Constitution, the sup-

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reme legislature has not been called as Parliament; it has been termed as Assembly to give the idea as if it is a State of India. Then, the head of the ministry is called Chief Minister. It means it virtually becomes a part of the Indian Union. When a State is sovereign, their legislature is called Parliament and the head of their ministry is called Prime Minister. But because one Constitution of Sikkim has been prepared by a person deputed by the Government of India, the influence of the Government of India behind the Constitution of Sikkim is quite evident. That is why party's Central Committee has stated categorically in its resolution that this Constitution (Amendment) Bill will not help to improve further the friendly relations between the people of Sikkim and India. On the other hand, ultimately the Sikkim people will start suspecting the motives of the Government of India. The way the agreements have been drawn up and the Constitution has been prepared does not give full democratic rights to them. Secondly, the old agreement is still maintained by the Government of India. It is a completely unequal agreement and it is not at all democratic. The Skkim Constitution has been so framed that the real powers is in the hands of the bureaucracy and not in the hands of the people. Now when you are trying to include them in the political mainstream of India, there is every possibility that they will take it as absorbing them within India. The people in the outside world also will think like that. This affects the independent identity and status of Sikkim very seriously. You could have vanquished the Chogyal at the time when this movement was in a high pitch. It is you who saved It is also a fact that the Sikkim Congress has already passed a resolution demanding the abolition of the powers of the executive officer and allowing the elected Sikkim Assembly and Cabinet to function untrammelled with the Government of India's officer's veto. This is the real democratic urge of the Sikkim people but you are not satisfying it. If you are really sympathetic to them, you should not have brought in this Bill.

You were saying that you will give them further democratic rights. But, being associated with the Indian Parliament, we know which type of further democratic rights they can enjoy. It is our experience that the Government of India is not extending democracy in India. The way you are treating the railway workers, is it the extension of democracy? The way the opposition is being suppressed and opressed, the way in which MISA and DIR are being applied against them, is that the way of maintaining democracy? The way the elections are being rigged, the way money is being poured in the elections, the way the political opponents are being murdered, is that the way to extend democracy? During the 1972 elections alone nearly 100 of our active political workers were murdered.. (*Interruptions*) If the fate of Sikkim is in your hands, instead of further extension of democracy it will mean further curbing of democracy.

So, our demand is, total right to Sikkim to manage its own affairs completely should be granted. The institution of Chogyal should be abolished. We also demand the immediate abolition of the post of the Chief Executive Officer. We also demand that no effort should be made to restrict the right of Sikkim to manage its political and economic affairs internally. This is the only way we can improve the relations between the people of India and the people of Sikkim and this is the only way in which we can get the world opinion behind us. Otherwise, the image of India is going to be tarnished in the eyes of the world. For all these reasons, I totally oppose this Bill.

SHRI JAGANNATH RAO (Chatrapur): Mr. Deputy-Speaker, Sir, I rise to support the Constitution (Thirty-sixth) Amendment Bill. The decision

of the Government of India to accede to the request of the elected representatives of the people of Sikkim for closer association and participation in the social and economic and political institutions of India and to give representation to this Himalayan State is to be welcomed. It is a bold and novel step that the Government has embarked upon to extend the status of associate membership to Sikkim, to be represented in the sovereign Parliament of India, without merging it with India. It is a new experiment in constitutional history between separate States with their identity and individuality intact....

SHRI P. K. DEO: Do not extend the same idea to Kashmir.

SHRI JAGANNATH RAO: Sikkim has been a protectorate till now. It is an old concept which smacks of colonialism. Now the status of associate State has been given to Sikkim so that it will enjoy a new status and dignity. We believe in human dignity and independence of States. In our relations with other States we seek friendship and cooperation.

The amendment that has been brought forward by Government includes Sikkim in the Tenth Schedule and thus gives constitutional recognition to the existing treaties and agreements, the 1950, Treaty, the tripartite agreement of 1973, the special resolution passed by the Sikkim Assembly on the 20th June 1974 and the Sikkim Act of 1974. The contents of these agreements have been given effect to and given constitutional status.

We are not anxious to annex the small Himalayan Kingdom of Sikkim with the Indian Union. I was surprised to hear Mr. Samar Mukherjee saying that, in effect, Sikkim is a colony of India. I was surprised and shocked to hear this. He spoke as if he belonged to some foreign country.

Is India anxious to annex the territory of Sikkim or, for that matter, of any other country? In 1971 war, we occupied some territory of Pakistan. But we immediately handed over the territory to Pakistan. We never wanted their territory. Mr. Samar Mukherjee is an Indian citizen; he is a Member of Indian Parliament. I was really surprised to hear him saying that India is anxious to annex the territory of Sikkim. We are bound by the responsibilities under the old agreements with Sikkim. We are now trying to own and discharge the responsibilities. It is rather strange for a Member of Indian Parliament to say that India is thinking of annexing the small Himalayan Kingdom of Sikkim.

He also said that we are overlords, that we are now continuing the feudal overlordism, the Chogyal. He is a constitutional head under their Constitution. We have nothing to do with that. For the first time, they have established democracy in their country. They have framed a Constitution. It is for them, in the course of years, when they work out the Constitution, to introduce such changes as they may consider necessary. We have sent a constitutional Adviser because they have no trained persons there. Because we sent our constitutional Adviser there, it does not mean that their Constitution is framed according to our choice. Let them gain experience. Let the Sikkim Assembly make whatever changes it wants. The speech of my hon. friend, Mr. Samar Mukherjee, sounded as if a foreigner was speaking here.

He also spoke of international repercussions. Are we to only bother about international repercussions. When we exploded the nuclear device on 18th May, 1974, though we have been proclaiming that our intention is to use nuclear energy for peaceful purposes, still there were some countries which decried our intentions and said that we want to develop nuclear weapons. There are

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some countries which criticise us knowing fully well what our intentions are.

I am glad that this Bill has been brought forward by the Government. The Tenth Schedule embodies the substance of the existing agreements. At the time of the introduction of the Bill, some Members from the Opposition had expressed their doubts about certain clauses saying that this amending Bill offends certain articles of our Constitution. Because our Constitution stands in a particular way, we have to amend the Constitution to give effect to the amendments which we want to make to respect the wishes of the people of Sikkim.

The objections raised by the Opposition are not at all valid. We should welcome this "associate State", one Member to Lok Sabha—the Government has agreed that he will be elected from Sikkim—and one Member to the Rajya Sabha. This is a welcome measure. It will be in keeping with our Constitution. The disqualifications that are attached to Members of the both Houses of Parliament will also be made applicable to them.

This is a very bold step that the Government of India has taken. It is an experiment of having an associate State to participate in the sovereign Parliament of India. I hope, this will satisfy the urges and aspirations of the people of Sikkim. It is for the people of Sikkim to consider whether their Act should be amended. In what way it should be amended, whether more powers they should have, is a matter for them to decide.

We are here with the limited purpose of making this amendment which would give representation to the people of Sikkim, so that they can participate in the political, social and economic activities of India. They want to come into the mainstream of Indian political and social life. They were in isolation. Now they want to give up that isolation and come into the mainstream of Indian social, economic and political life. This amendment of the Constitution gives them the scope to wide their horizon and learn many things. They will feel proud that they are also represented in the Indian Parliament and also in other political and economic institutions. Therefore, Sir, I welcome this measure.

SHRI BHOGENDRA JHA (Jainagar) Mr. Deputy-Speaker, Sir, since the request from the Government of Sikkim to the Government of India for taking measures for representation in Indian Parliament was publicised, almost the entire monopoly press of India has been taking a stand as it India is trying to annex some other country. Yesterday there was a Press Conference where some lady advocate, Miss Bhuvanesh Kumari,—I do not know whether she is a Sikkimese, most probably she is not a Sikkimese —spoke on behalf of the Chogyal. This has been widely publicised in the entire Indian monopoly press with a particular dent. Also, one young man, posing himself as a Sikkimese, shouted slogans before the international press After cross.examination by the pressmen, it was proved that he was an Indian and his name was Mr. Sanjay Dasgupta. What I want to make out is that a picture s being painted as if something extraordinary is happening against Sikkim. Voices have been raised that we are changing the character of our Constitution, that some foreigner is going to sit in our Parliament which ought not to happen...

SHRI P. K. DEO: Yes.

SHRI BHOGENDRA JHA: Mr. P. K. Deo says 'Yes'. I know, he himself, along with the father of the present Chogyal, sat in the Indian

Chamber of Princes. At that time, was he not a foreigner? In that institution, he was a full-fledged member, not even an associate member, and with him he had sat together. Now he is trying to forget that.

Coming to our Constitution, it is a fact that associate membership is a new concept, but there is nothing wrong in that. Our Constitution was drafted at the time when the country had been partitioned, when freedom had been achieved through a compromise between the two religions, through a popular movement and struggle. All the native princes were declared independent by the Britishers, and when those territories were annexed to India, there was a cry that the Agreement with the British was being abrogated, violated. When 'Rajpramukhs' were abolished there was a cry that the fundamental basis of our Constitution was violated. When the privy purses were abolished, again there was a cry that the fundamental basis and character of our Constitution was being changed and I hope that these very voices which are rising to-day in favour of Chogyal should live long to see that this very Parliament will be strong enough to abolish capitalism in India and establish socialism in our country as it is the fundamental character of our Constitution. .(*Interruptions*) Anyway we will try for that.

So, our Constitution has been in evolution, it is evolving, it should evolve and it is still not to our satisfaction, not to the satisfaction of the toiling millions of India. Naturally, we are not a capitalist democracy. We want to transform it into a socialist democracy and for that we all have to strive and struggle together. The struggle will be very long. So, I think the argument that something new, something repugnant to our Constitution is being added does not stand when the history and evolution of our Constitution is taken into account.

With regard to Sikkim, during the British days, it was only a protectorate and uptill now it was only a protectorate of India. The Sikkim Maharaja sat in the Indian Chamber of Princes as a full-fledged member, not as an associate member. And when we achieved independence on 15th August 1947, that very year, in December 1947, there was a popular upsurge in Sikkim for the abolition of the princely order and for merger with India. That was the demand of the people there in December, 1974.... (*Interruptions*) I am stating the facts. When the palace of the father of the present Chogyal was surrounded by the people, as Shri Samar Mukherjee correctly said, the Indian Army went to rescue that Maharaja

Against the people our Army was utilised. That was a disgraceful chapter in our history, a very shameful chapter in our history, when against the people of Sikkim we helped a feudal system, a feudal dynasty and a Maharaja.

Then, the agreement of 1950 came. Now, again, that very year, there was a popular upsurge and people from all corners, from hills and forests and from a difficult terrain crossed over and surrounded the palace. When, again the present Chogyal was surrounded, the Indian Army went to his rescue, the Government of India went to his rescue and , as our CPM spokesman correctly put it, had the Indian Government not intervened, the Chogyal's system, the feudal system of Sikkim would have been abolished, he even demanded abolition of the kingdom. He was demanding more interference in the Sikkimese affairs. He has demanded that. I do not go to that extent. I say that the Chogyal and his whole feudal set up would have been abolished had the Indian Army

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and the Indian Government not intervened in his favour. An agreement between the representatives of the various political parties, the Chogyal and the Government of India was arrived at. That agreement again is not final. That is also a part of the evolution of Sikkim. That was a part of the evolution of the internal democratic set up of Sikkim and the evolution of Indo-Sikkimese relationship because the very first part of that agreement says:

> "Whereas the Chogyal and the people of Sikkim are convinced that their interests and the long-term interests of Sikkim call for the establishment of a fully responsible government of Sikkim with a democratic constitution, guarantee of fundamental rights and the rule of law...."

That shows the direction. We feel that a fully responsible government is yet to be established. When it is established, the Chogyal will be no more. And he will have no place in the history of Sikkim. The people of Sikkim will be full-fledged masters of their own destiny. This is the official copy of that agreement which is the result of the evolution of the internal democratic struggle of the people of Sikkim. The Act has been passed by the Sikkimese Assembly unanimously. They have had their election there. Many voices were raised inside the House and outside the House saying that a referendum should be held. But we have to remember that their election was held on the basis of adult franchise. There were two opposing camps. One camp was primarily led by the Chogyal, the National Party and there was the other camp-the Congress, representing the common people of Sikkim. And what was the manifesto? The National Party demanded abrogation of the treaty of 1950. The Sikkim Congress demanded more close association with India. The National party got one seat and the other seats were got by the Congress. This was the position. There were two different ideologies which were propagated by them from two different platforms on the basis of relationship with India. The Sikkim Assembly enacted an Act which has been passed on to you and in that Act it was provided that Sikkimese Government will do this. This is Section 30 of the Act which says:

> "For the speedy development of Sikkim in the social, economic and political fields, the Government of Sikkim may..
>
> (c) seek participation and representation for the people of Sikkim in the political institutions of India."

So, that Act empowers the Government of Sikkim. No referendum is necessary at all Sub-clause says empowers the Government of Sikkim. And they had approached the Government of India that this should be presented to the Indian Parliament. Mr. Samar Mukherjee had a special disappointment and he said we cannot expect establishment of socialism in Sikkim today. I say more frankly that the Government of India cannot be expected to establish socialism in Sikkim for the simple reason that we have allowed lakhs of acres of land to be held by the princes and landlords, monopoly capitalism has been allowed to continue. We cannot expect our Government to establish socialism in Sikkim. But the question is this: Whether this is a step in the right direction or not. There is the Official Resolution of the Central Committee of the CPI (M) on whose behalf Mr. Samar Mukherjee spoke. What does this document say? It says:

> "Or party warns that this is nothing but total denial of democracy and of the right of Sikkim

people to manage their own affairs. It demands the abolition of Chogyal. It demands the immediate abolition of post of Indian Executive Officer. Our party demands that no effort should be made even to restrict the right of Sikkim people to to frame their own political and economic institutions to manage their internal affairs."

So, even the CPI(M) is saying that the Sikkimese people should be allowed to manage their internal affairs. I don't know how Mr. Samar Mukherjee has used the word sovereign here.

SHRI SAMAR MUKHERJEE: Sovereignty to manage their internal affairs.

SHRI BHOGENDRA JHA: Can Sovereignty be qualified in that way? I am very happy if that is the meaning of sovereignty.

Sir, what is demanded here from Government of India is to abolish the system of Chogyal—the Maharaja, there. That is what is demanded in this Resolution. The Government of India is not going to that extent It is left to the people of Sikkim. I simply wish that when the people of Sikkim desire to do away with the system of the past, the Government of India should not again commit the crime of protecting the Chogyal and the people. This House should remain vigilant and it should not commit another blunder which it has committed once. That is the situation which has been created. The words that have been used, I do not think, could be applied here. We have got the people's comments daily here. What does the comment say?

"Three years ago, the Indian Government, under the support of the Soviet revisionist, social imperialism, dismembered Pakistan by force....Recently India blasted a nuclear device to make nuclear black mail and nuclear menace in the South Asia region"

So far, more than hundred countries have recognised Bangladesh as Sovereign Republic. Even Pakistan has recognised Bangladesh as the Sovereign Republic. I do not know what Mr. Samar Mukherjee has got to say on this.

Similarly, it is said here that recently there was a nuclear blast conducted. That was just to make nuclear blackmail. The nuclear blast should be discouraged. It was made clear by our country that India was committed to using the nuclear device for peaceful purposes. Now, Government is coming forward in support of the Chogyal. It is strange that when millions of crimes were committed in Bangla Desh, they were supporting the murderers. What happened to Formosa? China could not send their forces in spite of the fact that the Formosan people proclaimed to the whole world that Formosa was not part of China. When there was liberation of Bangladesh, was the Government of India supported by China? No. We can only pity the Communist Party of China for having completely abolished the post of Chairman. In a vast country like China—a most progressive country in the world—after Liu Shao Chi, no Chairman has been elected. Such is the situation there.

So, here too, we have to wait and see the reaction of China. I am not going into it. A point was raised by the hon. Members that Nepal will turn against India. As we all know, the position of the Sikkimese people is this. Originally they were Nepalese. The Nepalese people do appreciate that. What I apprehend here is this. Just as a demonstration took place in Delhi, a similar demonstration might take place in Kathmandu too.

In the Himalayan region, the U.S. imperialistic activity—C.I.A. activity—is going on. What did the Foreign Minister of Nepal do? He had only taken a peaceful stand in the Nepal Rashtriya Panchayat. I would simply

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conclude by congratulating the Government of Nepal for the stand they have taken. I wish we have our friendship with Nepal. It should not only remain as it is but should further be strengthened.

16.00 hrs.

In his reply the Foreign Minister of Nepal said in response to a request from the Government of Sikkim:

> "....These new developments flow out of certain agreements and ..described as a natural corollary to events in the immediate past in Sikkim."

That is his official reply.

I would like to point out that the Sikkim Maharaja, Chogyal, was anyhow married—he did not marry—to a CIA girl. I mean it when I say this. That girl came here. The USA plan was to have a base on the head of China and India in Sikkim. That girl has given birth to a child. After the popular upsurge that girl has gone to USA and the child, perhaps, is in Sikkim. That is USA conspiracy We have seen how President Ford has declared that there will be Diego Garcia base in the Indian ocean. In such a context, I think, when the Chogyal today is expressing dissent against the express wishes of the Sikkim Government he is acting contrary to the agreement he signed a few months ago and the people of Sikkim will see to it that the Government of India would proceed with this Bill.

Sir, we are not fully satisfied. We apprehend the bureaucratic danger. The people of Sikkim will have to guard against these bureaucrats. The bureaucrats should not lord over the people of Sikkim.

I want to point out one aspect. Some forces in our country, just like Cong(O), their leaders are shedding tears for the Chogyal.

SHRI SHYAMNANDAN MISHRA: You are speaking about Chogyal. We have never spoken about Chogyal.

SHRI BHOGENDRA JHA: Sir, these very forces in India who at that time supported the Dalai Lama; the monopoly Press, some political parties in the country, calling the Dalai Lama as 'God' and 'King' and attacking Jawaharlal Nehru and his Government.

MR. DEPUTY-SPEAKER: How is it relevant to this Bill?

SHRI BHOGENDRA JHA: They said, Dalai Lama means Tibet. Similarly, they are now saying Chogyal means Sikkim. That is neither our tradition nor our concept and if this is the concept of some people, it is a concept of the past and it has to be buried. Dalai Lama today is neither a king nor a God. He is a refugee here. I think those people who called him 'God' and 'King' have refused to call him like that any more. Similarly, Chogyal can remain as a citizen of Sikkim. He can be elected as a Member of the Sikkim Legislative Assembly and that is for the people of Sikkim to decide. But, his institution has to go.

Lastly, I would like to say this. The present Bill is not democratic in many respects. We have moved several amendments. Fortunately, the Minister of External Affairs himself has moved certain amendments, for example, the direct election by the people of Sikkim, not through nomination, of a Member of the Lok Sabha. We want certainly to restrict the powers of the Executive Officer and increase the powers of the Sikkim Assembly. Another pooint is, the bureaucrats from here should not lord over the people of Sikkim and create anti-India feeling. Similarly, monopolists, black marketeers and hoarders from here should not be allowed to create anti-Indian feeling there. Gov-

ernment of India must guard against that. Otherwise, international opinion will turn against us. This is a serious danger, against which we should guard. In this context, I think the Government of India has taken certain steps. But, in the context of the Resolution of the Sikkim Assembly, in the context of the monopolists, it is an anti-imperialist step, anti-feudalist step and a step towards democracy though not fully democratic.

श्री भागवत झा आजाद (भागलपुर) : उपाध्यक्ष महोदय, हम इस ऐतिहासिक बिल का स्वागत करते हैं। प्रश्न यह है कि क्या हम जो कुछ इस सदन में कर रहे हैं वह सिक्किम की जनता की भावनाओं और निर्णय के अनुरुप है या नही और दूसरा यह कि क्या संविधान के अन्दर हमें प्रदाय अधिकार हैं या नही। अगर हम वहा की जनता की भावना और निर्णय के अनुरुप काम कर रहे हैं और भारतीय संविधान के अन्तर्गत इस को करने में सक्षम हैं तो और कोई दूसरा प्रश्न नही जठता। लेकिन प्रश्न यह है कि यहा पर कुछ ऐसी पार्टिया है देश में जो अच्छे से अच्छे काम को भी, जो देश के हितों के अनुकूल है, उन को भी अपनी राजनीति का निशाना बना देती है। इस सदन में चोगियाल के प्रतिनिधि भी हैं और वे बोलेंगे और इसे सदन में चाऊ के भी प्रतिनिधि हैं और इस कारण तनी अच्छी बात होने पर भी, इतना सुन्दर और महत्वपूर्ण एतिहासिक विधेयक होने पर भी दो व्यक्ति ऐसे हैं की समर मुखर्जी और श्री श्यामनन्दन मिश्र जो इस का विरोध करेंगे। एक चाऊ के प्रतिनिधि और एक चोगियाल के प्रतिनिधि हैं और इतना सुन्दर ऐतिहासिक विधेयक पर, यह बडे दुख की बात है, वे ऐसा लगता था कि भारतीय लोक सभा में नही कही और बोल रहे हों ... (व्यवधान)...

श्री श्याम नन्दन मिश्र बहस में अगर इस तरह से आक्षेप लगाये जाते है, तो मैं कहे देता हु कि यह बहस उग्र रूप धारण कर लेगी। ये चोगियाल और चाऊ का प्रतिनिधि कह रहे हैं। इस तरह से बहस यहा पर चलेगी। अगर इन का दिमाग काम नही करता है, तो मत बोले। ऐसी बहकी बहकी बाते तो न बोले। (व्यवधान)

श्री भागवत झा आजाद : मुझे यह कहावत याद आती है "बडे बडे नाग बैठे है और ढोढ मारे पीढा"। इस सदन में जिस को साढे तीन सौ का बहुमत मिला है, उस का यह धमकी देते हैं और कहते हैं कि हम बहस नही चलने देगे। क्यों बहस नही चलने देगे। पुरानी लकीर पर चलने वाले ऐसी बाते कहते है। वे चोगियाल के समर्थन में ही बाते कहेगे और कहेगे कि ऐसा क्यों किया। वे कहेगे कि वहा की जनता के खिलाफ यह बाते हो रही है। ये तो वही बाते करेगे जो कि बाहर के लोग कहते हैं। एक विदेशी ने जैसा कहा है कि दो बातों में सिक्किम की जनता को आइडेंटिटी मिलनी चाहिए। हमारे समर मुखर्जी साहब ने वही कहा जो वहा से प्रकाश आया लेकिन हम क्या कहना चाहते हैं। हम कह रहे हैं कि यह जनता का रुख है। 1950 की ट्रीटी के अन्तर्गत हम यह कर रहे हैं। ... (व्यवधान)..

[श्री भागवत झा आजाद]

उपाध्यक्ष महोदय, मैं आप से यह कहना चाहता हू कि प्रश्न बडा सीधा है। सन 1950 की संधि के अन्तर्गत हम दोनों देशो के बीच मे यह निर्णय है, यह उस में लिखा हुआ है कि आपसी सलाह के साथ, विदेशो से रक्षा, कम्यूनिकेशनस ये तमाम चीजे भारत सरकार देखेगी। लेकिन उसके साथ साथ एक और महत्वपूर्ण बात यह है कि वहा के इटरनल गुड एडमिनिस्ट्रेशन, आन्तरिक स्वच्छ और सुन्दर शासन की जवाबदेही, उसका उत्तरदायित्व भारत सरकार पर है। 1950 में यह संधि हुई थी। प्रश्न यह है कि इन 24 वर्षो की यात्रा सिक्किम की जनता के लिए अच्छी रही है या बुरी। 24 वर्षों का इतिहास, 24 वर्षों की यात्रा एक लम्बी यात्रा है। क्या यह जरूरी नही है कि सिक्किम की जनता की भावनाओं को समझा जाए? वहा पर क्या कुछ हुआ है क्या उसमे आखे मदी जा सकती है? वहा जनता पहाडियां मे, घाटियों मे निकली और उसने कहा कि हम चोग्याल का महल गिरा देगे, उसको मिट्टी में मिला देगे इस वास्ते कि हमारी भावनाओं का प्रतिनिधित्व वहा के शासन मे नही है। तब उसी चोग्याल ने भारत सरकार से अपील की कि आइये, हमारा सरक्षण कीजिये, हमारी रक्षा कीजिये। भारत सरकार ने क्या किया? भारत सरकार ने सिक्किम की जनता का, उसकी भावनाओं का आदर किया। वहा पर चुनाव हुए। चुनाव में क्या हुआ? नया संविधान बनाया गया। उस नए संविधान के अन्दर चुनाव हुआ, मंत्रिमंडल बना। 25 साल तक शासन चोग्याल के हाथ में रहा। लेकिन आज वहा मंत्रिमडल है, विधान सभा है। उसने कानून पास किया और उसके अनुसार अगर भारत सरकार संसद में, भारत की लोक सभा में उनको प्रतिनिधित्व देती है तो क्या यह कोई थोपने वाली बात है या यह उनकी इच्छाओं के अनुरूप उनको आगे ले जाने वाली बात है? लेकिन यहा तो उलटी भावनाओं और उलटी बुद्धि वाले लोग है। मैं इनको फैक्टम एड फिगर्ज दे सकता हू बुद्धि नही। जब भगवान के घर बुद्धि बट रही थी तो शायद कुछ लोग पीछे सो गए थे और अब वहा आकर वही लोग कहते है कि बुद्धि हमारे पास है।

इस संविधान संशोधन विधेयक के अन्तर्गत हम वही काम कर रहे है जो सिक्किम की जनता चाहती है। वह क्या चाहती है? वह चाहती है कि अगर सिक्किम को रक्षा का भार, वहा की विदेश नीति का भार, वहा के शासन का भार, उसका उत्तरदायित्व भारत के साथ हुई ट्रीटी के अन्तर्गत भारत सरकार का है तो उसको इन चीजों पर विचार करने के लिए, यहा प्रतिनिधित्व भी दिया जाए, लोक सभा तथा राज्य सभा में प्रतिनिधित्व दिया जाए। यह जो उनकी भावना है यह ठीक है और हमें उनकी इस भावना का आदर करना चाहिये और हम कर भी रहे हैं। हमारे माननीय सदस्य बहुत बार संविधान को उलट पलट रहे थे और आर्टिकल कोट कर रहे थे और कह रहे थे कि इस आर्टिकल

में बोध है और उस बोध में यह है, वह है। मैं समझता हूं कि इनको खाली आर्टिकल पढ़ना आता है और कुछ नहीं। मुझे एक कहानी याद आती है। एक आदमी अपने एक मित्र के पास घोड़ा मांगने के लिए गया। मित्र ने कहा कि मेरे पास घोड़ा नहीं है। थोड़ी देर के बाद घोड़ा हिनहिनाने लगा। इस हिनहिनाने की आवाज को सुन कर मित्र ने कहा कि तुम तो कहते थे कि मेरे पास घोड़ा नहीं है, घोड़ा तो हिनहिना रहा है। मित्र ने उत्तर दिया कि घोड़े की हिनहिनाने की आवाज तो तुम पहचानते ही मेरी आवाज को नहीं पहचानते हो। कुछ ऐसी ही दोस्त हैं जो संविधान के आर्टिकल्ज के खाली नम्बर देखते हैं, उनके पीछे जो भावना है, उसको नहीं पहचानते हैं। हिनहिनाने वाले यह समझें कि सिक्किम की जनता की भावनाओं और उसके निर्णयों का अगर आदर करना है और उसके रास्ते में अगर कोई कठिनाई है तो भारतीय संसद को पूरा अधिकार है कि वह अपने संविधान में परिवर्तन करे और इसीलिए वह कर भी रही है और अगर जरूरी हुआ तो भविष्य में और भी वह करने के लिए तैयार होगी ताकि सिक्किम की जनता को गणतंत्रीय अधिकार मिलें। क्या यह सही नहीं है कि हम सभी जो यहां बैठे हुए हैं उसी गणतंत्र के नियम के अन्तर्गत बैठे हुए हैं जो जनता भावनाओं को रूप और वाणी प्रदान करती है उसके प्रतिनिधियों के जरिये ? सिक्किम की जनता ने अपने राज्य में, अपने प्रशासन में, अपने शासन में प्रतिनिधित्व की मांग की और उसकी इस मांग को पूरा करने के लिए वहां चुनाव हुआ, उस चुनाव में सारी की सारी सीटें एक को छोड़ कर वह पार्टी जीत गई जिस का आज वहां मंत्रिमंडल है, मुख्य मंत्री है और जिस ने बार बार हिन्दुस्तान की सरकार को लिखा है कि हमें प्रतिनिधित्व दो यहां संसद में क्योंकि तुम हमारी विदेश नीति, रक्षा, कम्युनिकेशंज, आंतरिक शासन की देखभाल करते हो, जरा मुझे भी भारतीय संसद में बैठ कर देखने दो कि किस प्रकार तुम निर्णय करते हो, यह कितनी अच्छी और कितनी सुन्दर बात उन्होंने कही है। इसका हम खुले और मुक्त हृदय से स्वागत करते हैं। लेकिन कुछ ऐसे भी मित्र हैं जिन का न खुला हृदय है और न मुक्त हाथ और न मुक्त बुद्धि। मुझे दुख और आश्चर्य है कि चोग्याल ने वहां की जनता की भावनाओं को ठीक नहीं समझा। श्री भोगेन्द्र झा का मैं समर्थन करता हूं कि चोग्याल का जो संवैधानिक प्रधान का रूप है, उसको भी हटा दिया जाए। श्री समर मुखर्जी की एक ही बात मानने लायक है मुझे आश्चर्य हुआ कि कैसे वह इस बात को कह गए क्योंकि चोग्याल का समर्थन आज हमारा पड़ौसी देश चीन कर रहा है। उन में और हम में क्या फर्क है। हम जनता का समर्थन करते हैं वह चोग्याल का समर्थनन करते हैं। हम वहां जनता की आइडेंटिटी

(श्री भागवत झा आजाद)

दे रहे हैं । वहां नए चुनाओं की व्यवस्था हुई, नया मंत्रिमंडल बना, नई विधान सभा बनी और नए कानून बने और नया रूप एडमिनिस्ट्रेशन को मिला । लेकिन दूसरी तरफ हमारे पड़ौसी कहते हैं । आइडेंटिटी के नाम पर कि चोग्याल को खुली छूट हो ---शासन को अपने हाथ में ले कर चलने और ---जब चाहें न्यूयार्क का दौरा करने की और वहां की जनता की भावनाओं को कुचलने की, उसके आर्थिक विकास के स्तर को नीचे करने की ।

यह एक अभूतपूर्व परिवर्तन होने जा रहा है। जिस के अन्दर एक प्रोटैक्टोरेट की यात्रा आज 24 बरस के बाद एक एसोसिएटस्टेट के सुन्दर रूप में परिवर्तित हो रही है । हम इसका स्वागत करते हैं यह एक ऐतिहासिक पग है जिस का हम सभी को मिलकर स्वागत करना चाहिये

अगर हम आज इस संविधान संशोधन बिल को पास न करें तो क्या होगा, जनता की भावनाओं को अमली रूप नहीं देंगे तो क्या होगा, उनका सम्मना नहीं करेंगे तो क्या होगा ? होगा यह कि चोग्याल और वहां की जनता के बीच की खाई बढ़ेगी, कनफ्रेंटेशन बढ़ेगा, वहां की जनता अपने अधिकारों के लिए लड़ेगी, शासन व्यवस्था टूटेगी, वहां प्रगति और विकास के कदम रुक जाएंगे । इस वास्ते हम नहीं चाहते हैं कि ऐसा हो । टिटुलर हैड के रहते हुए हम चाहते हैं कि जनता की भावनाओं को मूर्तरूप मिले और वही हम कर रहे हैं । इससे सिक्किम के प्रगति और विकास के चरण आगे बढ़ेंगे । इस संशोधन के जरिये वहां के प्रतिनिधि लोक सभा और राज्य सभा में बैठ कर, योजना आयोग में बैठ कर सिक्किम की जनता की प्रगति के लिए, उसके आर्थिक विकास के लिए कदम उठाएंगे ।

अन्त में मैं यही कहूंगा कि आज यह आवश्यक है कि हिमालय की उपत्यकाओं में बसे इस सुन्दर देश की बर्फीली चोटियों के साए में---तथा धाराओं, उपधाराओं और---सहस्त्र धाराओं की परिधि में फलती फूलती और सुगंधित होती सिक्किम की जनता को इस भारतीय महान गणतंत्र के साथ मिलने का, मिल कर विचार करने का जो अवसर हम दे रहे हैं, इस अवसर का और उसके इस सुन्दर रूप का हम स्वागत करते हैं, मुक्त हृदय से----और मुक्त कण्ठ से ।

श्री जगन्नाथ राव जोशी (शाजापुर) : एक महत्वपूर्ण संविधान संशोधन विधेयक आज हमारे सामने है । वास्तव में अगर देखा जाए तो जो 1950 की संधि थी और उसके अनुसार जो रिश्ता भारत और सिक्किम में कायम हुआ था उस रिश्ते को थोड़ा सा बदल करके सिक्किम को और थोड़ा नजदीक लाने की इस में कोशिश की गई है । उस दिशा में यह एक प्रयास है, यह एक कदम है इसको स्वयं मंत्री महोदय ने स्वीकार किया है । किन्तु दो बातें बड़े महत्व की हैं । एक तो यह कदङ्गव यह चेरकार

क्यों उठा रही है और अभी क्यों उठा रही है ? ये दो प्रश्न हैं जिन का कि मैं कैटेगोरिकल जवाब चाहता हुं । सिक्किम कोनिज दीक लाने के किसी भी कदम का हमारा भारतीय जनसंघ स्वागत करेगा । इस में कोई दो राय नहीं है । किन्तु मैं पूछना चाहता हुं कि जो जम्मू काश्मीर भारत का अविभाज्य अंग अंग्रेज से पहले, अंग्रेज के बाद और सदा से है तथा संविधान के रूप में रहा है, ऐसी स्थिति में उस को और पीछे ले जाने का दृष्टि से खुले रूप से जो शेख अब्दुल्ला बार बार वक्तव्य दे रहे हैं और उन के साथ स्वर्ण सरदार स्वर्ण सिंह की बात क्या नजदीक लाने की हो रही है या दूर ले जाने की हो रही है । क्या हो क्या रहा है ? यानी जो अपने हैं उन को पहले पूरा अपना करो, यह हमारी मांग है । वह फर्स्ट शैडयूल में है । इसलिए हम कहते हैं कि संविधान की धारा 370 पूरी हटा कर उस को अपने गले लगाएं । अब ये कहते हैं कि जनता की मांग है । असेम्बली ने प्रस्ताव पास किया इन्होंने बात शुरू की । लेकिन शेख अब्दुल्ला के साथ बात शुरू की तो क्या काश्मीर असेम्बली ने प्रस्ताव पास किया था ?

What was the resolution of the Kashmir Assembly? We doubt the very *bona fides* of this Government.

काश्मीर असेम्बली ने कोई प्रस्ताव नहीं रखा । यह इसलिए मैं कहता हुं कि अंग्रेज के जमाने से जो हमारे सिर पर कुछ बातें बैठी हैं, उन के रहते हुए आज अगर कोई यह कहता है कि यह ऐनेक्सेशन हो रहा है, यह इम्पीरियलिज्म हो रहा है तो उस के लिए हम दोषी हैं । क्योंकि पिछले 25 साल में हम ने ऐसी हवा पैदा की, क्या इस सरकार को हम इम्पीरियलिस्ट कह सकते हैं या ऐनेक्स करने वाला कह सकते हैं ?

You can never accuse this Government of this charge.

यानी क्या किसी नपुंसक के ऊपर बलात्कार का आरोप किया जा सकता है ? जो अपनी भूमि अपने हाथ में रख नहीं सकता, वह दूसरे की कहां से लेगा ? जो अपनी हजम नहीं कर सकता ?

Con you blame this Government of annexation of territory? It is a travesty of truth.

इसलिए मैं पूछता हुं कि नजदीक लाने का तरीका है तो मैं मान लेता हुं । किन्तु अंग्रेज के चले जाने के बाद बुनियादी ढंग से कोई विचार नहीं किया गया है, यही इस से प्रतीत होता है । यह सिक्किम को नजदीक लाने की बात भी जो हो रही है वह भी ऐसे बड़े छिपे छिपे हो रही है । यानी 25 साल में यही किया आपने ? आप दिमाग जरा साफ करिए कि आप आखिर करना क्या चाहते हैं ? इस सदन में दादरा और नगरहवेली का एक प्रतिनिधि बैठा है ।

Do you mean to say that there is separate identity for Dadra and Nagar Haveli? Is Dadra and Nagar Haveli enjoying special status and separate identity?

सिवाय इस के कि 1954 में हम लोगों ने उसे मुझे कराने की कोशिश की थी और मुक्त हो कर जब वह आया

What did you do after the recommendations of the States Reorganisation Commission?

[श्री जगन्नाथ राव जोशी]

स्टेट्स रिआर्गेनाइजेशन कमीशन की रेकमेंडेशन आने के बाद क्या हिन्दुस्तान का कोई एक चित्र आपने सामने रखा है ? जो संविधान है उस संविधान का अधिकार पूरा पूरा तुम को मिले, यह व्यवस्था आप ने की ? क्योंकि जैसे ही यह सिक्किम का मामला आया, जो सवाल आया लोगों के मन में वह यह है मैं ट्रिब्यून से उद्धृत करना चाहता हूं—क्योंकि जैसे सिक्किम का अलग संविधान है, वहां ऐसी गडबडिया की।

There would not be any comparison to bent you people.

काश्मीर का भी संविधान सेपरेट है। क्यो ?

Why should there be a separate Constitution for Jammu and Kashmir when it is an integral part of this country?

कुछ रीजनिंग है ? इसलिए मैं उद्धृत करता हूं :

"The case of Kashmir comes to mind at once. Sheik Abdulla could very well invoke the precedent of Sikkim for demanding simular status to Kashmir. Other States could also take up the thread."

मुझे जो आशंका है वह यह है। यद्यपि मैंने स्वागत किया इस का और मैं जरूर करूंगा, किन्तु आज अपने ही संविधान के अंतर्गत एक छोटा सा संविधान रहने के लिए आप ने इजाजत दे रखी है, इतना ही नहीं, हम ने स्वयं इस के खिलाफ आन्दोलन छेडा,

When Sheik Abdulla was installed in Kashmir. He was called the Prime Minister, and not as Chief Minister, as is the position now. We had to fight against that. Why did you not fight? We want one Constitution for the whole country including Jammu and Kashmir. We do not want any anomaly.

इसलिए आज भी आप लोगों ने एनामली रहने दी तो आगे चल कर किसी को भी उदाहरण के नाते, आदर्श के नाते इसे पेश करने का मौका मिलेगा। काश्मीर हिन्दुस्तान का अविभाज्य भाग होने के बाद भी उस का एक अलग संविधान है और इतना ही नहीं अंग्रेज के चले जाने के बाद एक कदम आगे जा कर हिन्दुस्तान का कौन सा रूप कौन सा ढांचा हो, उस के ऊपर विचार करने के बदले में आप ने कहा कि स्टैंडस्टिल ऐग्रीमेंट था, हैदराबाद के साथ स्टैंडस्टिल ऐग्रीमेंट था, काश्मीर के साथ स्टैंडस्टिल ऐग्रीमेंट था (व्यवधान) सरदार जी जरा इधर ध्यान दें क्यों कि यह उन्हीं लोगों ने सारा भ्रम निर्माण किया है, इसलिए हमें तकलीफ होती है।

जम्मू काश्मीर का विलयन हुआ, वह इंटीग्रेट हुआ, ऐक्सेशन हुआ, किन्तु आप फिर उदार बन कर कहें कि

This accession will be final when there will be referrendum. Did Lord. Mountbattan who was the Governor-General say like this? It, is hanging fire till now.

उसे पूरा करने के बजाय फिर आप ने गडबड शुरू की। यानी मामला धीरे धीरे संभालते संभालते यहां तक आने के बाद फिर आप वही करते जाते हैं, फिर वही करते जाते हैं। आखिर सवाल है कि जब उन्होंने माना नहीं, तब भी आप ने उधार हो कर दिया, आज भी बहुत लोग कह रहे हैं कि उन को

छोड़ दो । छोड दो का मतलब क्या है ? हम ने ऐसे ही काश्मीर को छोडा और

Kashmir was attacked under the garb of Kabailis. Who is to protect it? This is a cruel world in which we are living. In keeping an identity, we will completely annihilate the identity.

आखिर जो भी हुआ उस गलती की वजह से, क्या सरदार जी इस बात की स्वीकार कर रहे है कि

We have lost a portion of our own territory. Are you ashamed of it? We are sitting in this Parliament tight. Was it not our territory?

श्री स्वर्ण सिंह जब आप गुस्से में आते हैं तो अंग्रेजी में बोलने लगते है ।

श्री जगन्नाथ राव जोशी सरदार जी, राष्ट्र का जब मामला है तब बोलना पडता है । यह कोई चीनी चावल का दाम तय करने की बात है क्या ?

(व्यवधान) .. बार बार सवाल करने के बाद भी जवाब ? नही मिलता । मैंने ये पूछा

Why were the talk started? Why did you take the initiative? What was the necessity? But I do not get any reply. What for am I sitting in Parliament if I do not get a categorical reply?

कौन सी ऐसी बात थी ? कौन सी बुनियादी बात थी? हो क्या रहा है ? वह एकतरफा बयान देते रहते हैं, हम चुप हैं ।

You are giving a wrong impression to the world that it is something very serious, very basic and very fundamental.

यह क्यों है ? इसलिए इस का स्वागत मैं जरूर करूगा किन्तु करते समय जो मेरे मन की आशंका और भावना है, विकाज यू वंग्लिड ए लाट, इसलिए मुझे कहना पडता है ।

अब हमारे लिए नागालैंड क्या दूसरा है? किन्तु उस को नाम दे दिया अंग्रेजी । नागभूमि कहते, नागनाडु कहते, नाग प्रदेश कहते । लेकिन नही, अंग्रेजी नाम दे दिया और वह चलता चला जाता है । कोई पूछने वाला नही है । नाम में भी आखिर एक महत्व होता है । यह सारे कहते हैं प्रिजर्विंग ऐन आइडेंटिटी, प्रिजर्विंग ऐन आइडेंटिटी,

What is preserving an identity, I do not understand.

यानी आखिर अपने ही देश की बात मैं कह रहा हु कि करना है तो...

श्री भागवत झा आजाद आइडेंटिटी का मतलब हैं स्वरूप ।

श्री जगन्नाथ राव जोशी आजाद जो, यह सारी सृष्टि नाम रूपात्मक है । यह नाम है और रूप है ....

श्री भागवत झा आजाद बिलकुल सहमत हु मैं आप से ।

श्री जगन्नाथ राव जोशी : There is no name without identity. You cannot identify without a name. यहा 21 लोगों का नाम आया तभी तो पता चला कि वह कौन कौन हैं दस्तखत करने वाले, नही तो पता नही चलता: जब नाम आया तो पता चला कि उस में कोई कमला कुमारी हैं, कोई दूसरे कुमार हैं । यह उसी से पता चला है । नाम से रूप का पता चलता है । लैंड से रूप का पता नही चलती । राजस्थान

[श्री जगन्नाथ राव जोशी]

को कोई राणाप्रताप लैंड कहना चाहे तो उस से कुछ पता नहीं चलेगा। इसलिए मैं कहता हूं :

What about those who would like to preserve their identity?

There is the body and the soul We have to preserve not only the soul but also the body India is not merely a geographical description It is an entity with a spiritual personality.

आइडेंटिटी का मतलब यही होता है कि देश का नाम है, रूप है, आत्मा है। इस को हम न मानने और चाहे जैसा खिलवाड़ करते जायें, तो उस से काम नहीं चलेगा। मुझे लगता है कि दूसरों को नजदीक लाते लाते हम खुद भ्रम में पड़ेंगे, न वह नजदीक आएंगे और जो नजदीक आए है वे और भी दूर जाने की सोच रहे है, इसलिए मैं कैटेगोरिकल आश्वासन आप से चाहता हूं कि इन को आधार मान कर किसी को भी यह इजाजत नहीं दी जायगी।

This does not apply to anybody

यह मैं आप से कैटेगोरिकल आश्वासन चाहता हूं।

लोगों के मन में यह भावना जागी है, इसीलिए मैंने ट्रिब्यून को कोट कर के बतलाया है। आप उन को नजदीक लाना चाहते है, वे कास्टीचूएनल नजदीक हैं, केवल यह बात नहीं है, वैसे भी उन को नजदीक लाना चाहिए। अभी किसी ने नेपाल को नजदीक लाने की बात कही, क्या हम उस का विरोध करने हैं, लेकिन क्या नेपाल को नजदीक लाने का यही तरीका है? आज के जो महाराज है, उन के पिता जी को नागपुर में राष्ट्रीय स्वयंसेवक संघ ने दावत दी। उन्होंने निमन्त्रण स्वीकार किया था लेकिन ऐन मौके पर, वह लालबहादुर शास्त्री जी का जमाना था, वह व्यवहार से नहीं आया, क्योंकि भारत सरकार उन को कहा कि मत जाओ। क्या किसी पार्टी के कार्यक्रम में जाने से देश का हित नहीं रहता है। मैंने उन्हीं दिनों पूछा था—क्या कांग्रेस पार्टी के अधिवेशन में यूगोस्लाविया के राष्ट्रपति मारशल टिटो उपस्थित नहीं थे? क्या वे आवडी अधिवेशन में उपस्थित नहीं थे, क्या आपने उन्हें सफेद टोपी नहीं पहनाई थी, आप तर्क देते है, तो तर्क तो ठीक देते जाओ। नेपाल को नजदीक लाने का जो रास्ता था, उस को भी आपने रोक दिया—क्या यह नजदीक लाने का तरीका है?

You may have your own prejudices, you may have your own disagreements with RSS

किन्तु यदि आप नेपाल को नजदीक लाना चाहते है तो

In the interest of the nation, you will have to sink your differences.

क्या आप ने ऐसा किया? इस लिये में जब कहता हूं कि नजदीक लाना चाहिए तो

What are the steps?

केवल संविधान में स्थान देने से कोई नजदीक आयेगा, ऐसा नहीं है।

They must be really proud that they are a part and parcel of the Indian Parliament.

आज किसी को भी इस सदन का सदस्य रहने में अच्छा लगेगा, कोई पूछेगा तो अभिमान से कहेगा कि मैं हिन्दुस्तान की संसद का

सदस्य हू । लेकिन फिर कोई पूछे–वही न, जहा चोर बठे है, दलाल बैठते है । इसी लिए मै ने दोपहर का भी कहा था, लेकिन आप न मजाक मे उड़ा दिया—

When we are inviting, welcoming, others to join our Parliament, did we clear the shadow that is hanging on some members here?

क्यो नही किया ?

मै बार बार कहता हू—जब आप न हम पर आरोप लगाया कि हमे विदेशी पैसा मिलता है तो हमने कहा कि जाच करो, पता लगाओ, हम को सजा दो । जाच भी हो गई, पता भी लग गया लेकिन बताया नही गया–

In public interest it cannot be disclosed Wonderful.

यानी पब्लिक मे आप गाली दो, पब्लिक इन्टरेस्ट मे दबाये रहो – ये दोनो साथ साथ नही चल सकते । केवल सविधान के जरिये ही उनका लाना काफी नही है —

There must be a complete association, the psychological association.

श्री डी० बसुमतारी (कोकराझार) साइकोलोजिकल एसोसियेशन हो गया है ।

श्री जगन्नाथ राव जोशी क्या हो गया है।

उपाध्यक्ष महोदय, मै जानना चाहता हू यदि आप उन को नजदीक लाना चाहते है तो वास्तव मे हमारे पास यह जो बुलेटिन है इसके आधार पर कह सकता हू —वैसे भी मेरी जानकारी है, 1947 के बाद वे लोग कहने आ रहे है कि मर्जर करो –यही बात इन के बुलेटिन मे है —

"Before the above Treaty was signed, there was a demand in Sikkim for its merger with India and also for democratisation."

यह उनकी माग रही है । बाद मे भी वे कहते रहे कि हम को लोकतन्त्र में शामिल करो, हम को लेलो, हम को सम्भालो, तो फिर क्यों नही लिया । जब वे—

For all those purposes, they are considered to be Indian nationals.

तो फर क्या कठिनाई थी । 1950 की ट्रीटी के बाद जब भी उन के यहा कोई कानूनी झगडा होता है तो उन को यहा आना पडा है, अब वे प्रत्यक्ष मे आ रहे है यहा सदस्य बन कर बैठने वाले है तो फिर आप ऐसा अलग दरवाजा खोल कर क्या रख रहे है–एसोसियेटेड मेम्बरशिप । जब सिक्किम की जनता माग कर रही है कि हम भारत के साथ मिलना चाहते है तो 25 साल के बाद आप ने वास्तव मे जो कदम उठना चाहिये था वह नही उठाया ।

दुनिया क्या कहती है इस बात को छोड़ दीजिये । मै तो यह कहूगा कि यह जो स्टेप लिया है इस का विरोध पाकिस्तान या चीन करता है तो समझ लीजियेगा कि आप का स्टेप बराबर डायरेक्शन मे है । लोकमान्य तिलक कहते थे कि जो निर्णय लेना हो, लो, उस के बाद अगर टाइम्ज आफ इन्डिया मे क्रिटिसिज्म आये तो समझ लो कि हमारा जो कदम उठा है, वह बराबर डायरेक्शन मे है । आपने अणु विस्फोट किया, दुनिया आलोचना करेगी, करे, हमे डरना नही चाहिए, उससे घबराना नही चाहिए ।

MR DEPUTY-SPEAKER: We have agreed for five hours.

SHRI SHYAMNANDAN MISHRA: On such an important measure, specially important speakers like honourable Member Shri Joshi must get more time.

श्री जगन्नाथ राव जोशी मै निवेदन कर रहा था कि दुनिया क्या कहती है उस से डरना नही चाहिए । हम ने गोआ को पुर्तगीज टैरिटरी कह कर बहुत ज्यादा दिन लगाये— इससे कोई लाभ नही हुआ । जो करें खुले रूप से करे, जो कहना है खुले रूप से कहे । जब हम अपने मन में साफ है कि वह भारत का

[श्री जगन्नाथ राव जोशी]

हिस्सा है तो खुले रूप से कहिये। दुनिया क्या कहती है, उस सवाल को छोड़ दीजिये। हम अपने देश के हित को देखें और उस को सामने रख कर काम करें।

वास्तव में मुझे आश्चर्य लगता है—जब हम गुलाम थे तब हमें यह चिन्ता थी कि दुनिया को हम अपनी आवाज कैसे सुनाये। अब जब हम आजाद हो गये तो अपनी आत्मा की आवाज को सुनाने के बजाय दुनिया क्या कहती है यह कहकर सफोकेशन का अनुभव करने लगे है—यह उचित विचाराधारा नही है। हम छोटे देश नही है —

We have got a big role to play, may not be to-day but tomorrow.

SHRI PILOO MODY (Godhra): Where are the players?

श्री जगन्नाथ राव जोशी :

They will know the game. Don't worry.

हमारे देश का आकार बड़ा है। हमारे देश की आबादी बड़ी है, इसलिए हमारे देश का अधिकार भी बड़ा होना चाहिए। जैसे हमारी मांग होती है कि हमें सिक्योरिटी कान्सिल मे स्थायी सदस्य के रूप मे स्थान मिलना चाहिये। क्यों मिलना चाहिए ?

That is our natural role. We will have to exert ourselves.

इसलिये मैं कहना चाहता हूं—अणु विस्फोट कर के भारत ने बतला दिया है कि दुनिया में ऐसी कोई ताकत नही है जिस के आगे हम घुटने टेके। लेकिन सब को साथ लेकर चलना है —

Let there not be a big-brother attitude.

यह बात केवल सिक्किम के लिए नहीं है, सब के लिये है। कोई भी हो, काश्मीरवाले हों या केरलवाले हों, किसी को भी ऐसा नहीं लगना चाहिए कि केन्द्र का मतलब कुछ और है

MR. DEPUTY-SPEAKER: 'Big brother' is a dirty word.

SHRI PILOO MODY: They have adopted a big brother.

श्री जगन्नाथ राव जोशी : इस लिए मेरा निवेदन है —कि मेरा जो संशोधन है—

For all practical purposes they will be Members of this Parliament, they will sit here, they will vote and they will become Ministers also.

ऐसी स्थिति में उन को फुल - फलेज्ड भारतीय नागरिक बनायें और एक बार आने के बाद उनको वापस नही जाना है, यही रहना है, वह स्थिति बनी रहे। उन के लिए कोई नया दरवाजा खोल कर कोई नया भ्रम पैदा करने के बजाय जो आप का खुला दरवाजा है उस में उन को शामिल कीजिये। वे आते रहें, हमारे साथ बैठते रहें। इस संशोधन के साथ तथा जो अन्य सवाल मने उठाये है उन का कैटगोरिकल आश्वासन मिले. इन शब्दो के साथ में इस विधेयक का समर्थन करता हूं।

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Joshi and his Party suffer from certain obsessions and because they have no opportunity in this Bill to express these obsessions, he had spoken on everything else except what is contained in the Bill. I am also aware that there are Members who will be following me and who will try to find out legal and constitutional defects in this Bill. But, I personally feel that though this Bill is a constitutional amendment Bill, it is not a purely legal exercise. It is an expression of a bold political decision. Therefore, we should not approach this Bill from the angle of a briefcase lawyer trying to fight a case in his maiden appearance from all conceivable and inconceivable and hypothetical angles....

MR. DEPUTY-SPEAKER: I hope you will not do that yourself.

SHRI DINESH CHANDRA GOSWAMI: On the contrary, this legislative measure must be approached from a broad political angle. Of course, I do admit that we must take care to see that there remains no constitutional loopholes so that, if challenged in a court of law, it may stand the scrutiny of the court. Therefore, while viewing this Bill from the broad political angle, I would also try to establish before the House that there is no constitutional defect for which objection can ultimately be taken that either this Bill as a whole or certain provisions of this Bill, are *ultra vires* of constitutional or legal provisions.

The basic question which confronts is—whether we should respect the urges and aspirations of the people of the neighbouring Himalayan Kingdom with whom we have for a very long time a very special kind of relationship. What are their political urges and aspirations? They want to democratise their whole political system. They want to have a popular Government. They want to gain from the experience of our planning machinery, they want to participate in the social, political and economic institutions of our country including our Indian Parliament. This is their wish and their political aspiration. Obviously, the question that I put to myself is this. Should we give expression to these political urges and aspirations? If the answer is yes, then, I do think, there is no alternative but to support this Bill and to create the avenues by which we can give proper expression to such urges and aspirations, and we should not permit constitutional niceties to come in the way and should remove all obstacles that come in the way. If our answer is no, or that it is not expedient to respect these urges and aspirations, then one can bring before the House all sorts of arguments but all those become only of secondary importance because the approach is from a particular angle.

Let us peep into the history of this beautiful ancient Himalayan Kingdom. We find that this urge to have close relation with India is not new. Since the first political party of Sikkim was established on December 7, 1947,—since their inception, they have been asking for establishment of popular Government and they were asking for having a very very close relationship with India. It is unfortunate at that time we could not satisfy those urges and aspirations of these people. Ultimately we had the Treaty of 1950 and I feel that even in that treaty we did not take into account the urges and the aspirations of the people fully. It is part of history how the popular movement grew up in Sikkim. In spite of various internal difficulties, a complex election system, playing up of differences between different ethnic groups which tried to frustrate the aspirations of these people, the people's will ultimately succeeded. We need not go into the aspects as to how the tripartite agreement between Indian Government, political parties of Sikkim and Chogyal was arrived at, how their constitution came into being and all that. Today the basic fact is this. Today Sikkim has entered the twentieth century. And there are institutions trying to prevent the entry of Sikkim in the twentieth century. It is no wonder when one is in power, he does not want to part with power. One of our ancient sage said that it is painful to leave power as the parting of the last breath from the body. It is no wonder that these institutions, keen on maintaining their domination are putting obstacles in the way. But when such a request, popular request, democratic request has come from them, should we try to respect that wish or should we say, no. We should not also forgive that their request is on the basis of their constitu-

[Shri Dinesh Chandra Goswami]

tion and also is in conformity of the agreement of 1973. When this request of theirs is in conformity with their own Constitution, with the Treaty and all that if we do not give formal expression to their democratic urges, I feel strongly, we will be going against the treaty and Sikkim people will have a very serious grievance against us that though in the treaty there are such and such clauses, when it comes to actual implementation, we are not prepared to implement it.

Now let me come to the objections taken regarding this Bill. The objections can be divided into two parts political and legal. The political objections are that there will be adverse international reaction to the proposed measure. That is number one. There is the other argument that the will of the people of Sikkim should be ascertained by a Referendum before passing this legislation.

Thirdly, it was said that the proposed measures were against the fundamental concept of our founding fathers. According to Shri Mishra it is a constitutional monstrosity.

Coming to the first objection, we should not be at all surprised if we hear notes of disservice or voices of criticism from certain quarters. This is not the first time that we have been hearing such criticism. Even on the Bangladesh issue, we were criticised. Such criticisms were made on the intervention by India in Sikkim last year on the request of both Chogyal and the political parties. Can any country afford to refrain from taking a bold political decision simply because certain interested quarters are critics of it? No country can afford it. Here, again, there are two kinds of criticisms. The CPM alleges that we are trying to annex other territory. Those who criticise us of annexing one's territory, my reply will be that India's history both past and present speaks completely of a different tale. Civilisations have prospered and perished but the Indian civilisation has continued in its steady march. It is primarily because of the inner strength of Indian civilisation that we have never tried to conquer other's territories or subvers other's cultural identity. On the contrary, we have always extended our hands of friendship with each and every one including our enemies. We have even embraced persons who are inimical to us, and have permitted synthesis of culture in our country. It is this attitude which has made India what it is today—a mini-universe. The present Government has followed the same path. This is well established if we look back to the recent history of the past to the events in Bangladesh, the agreement with Pakistan etc. The criticism that had been levelled against us so far was that we were too liberal with the territory of our country, or with the gains of war. This liberal attitude is ingrained in the minds of our Indian people. One will not be able to reverse this process in this country. One who is acquainted with the Indian civilisation and culture is not able to realise the significance of this liberal attitude. As I also want to point out emphatically that any Government which will try to reverse the process will not be able to stay for long. A point was also made here that before we pass this Bill, a referendum should be made for ascertaining the wishes of the people. These measures are not a result of any imposition from India. It is on the initiative of a popular ministry of Sikkim that the provision incorporated in the Bill has been brought. Let us not forget that. How has the Assembly come into existence there? This Assembly came into being as a result of the long standing struggles of the people there for establishment of a polity which for its survival depend unlike previous

cases upon themselves If we do not recognise the decision of the Assembly—the popular decision of the Assembly—it will only mean an insult to the people and to the Assembly themselves I think that it will be against all international practice and conventions also.

Shri Mishra said that it was against the concept of the founding father of the Constitution or it was a Constitutional monstrosity At the time when our Constitution was framed our founding fathers could not visualise the situation that is obtaining today They never visualised that such a popular Government could be set up In 1950, when our Constitution was framed, not to speak of the popular ministry, even the treaty was not there Therefore, there is no ground to allege that founding fathers had a completely different concept about the whole thing Monster is visible in the artificial world only and in darkness I shall request Shri Mishra to see the Bill in the light of the day and in its reality and he will appreciate that there is no monster in it

As regards the legal objections, I think already the Foreign Minister has made many doubts clear by the amendments which he has proposed to bring in, and I do not think the legal objections have any substance because Clause 4 starts with a notwithstanding clause.

"Notwithstanding anything in this Constitution "

which means whatever provisions there may be in the existing Constitution, Clause 4 will over-ride it Various questions were raised whether the non-citizen can be a Member of the Parliament Yes Under the existing provisions he cannot but there is no bar for amending the Constitution and permitting a non-citizen to become a Member Obviously, the power is with us In what way we exercise the power is a different question and in this case we have decided to exercise the power in a particular way.

Of course, it is true when this Bill is implemented we may have to face various practical difficulties but let us not at this time magnify the practical difficulties Let us give it a trial and when the difficulties come we will sort them out Our only objective at this stage should be to remove those constitutional defects which the court may find fault with to strike it out

It is unfortunate that as head of the State Mr Chogyal has expressed his disapproval My only appeal would be that as suggested in the *New York Times* let him realise that it is 1973 and not 1950 or 1940 and popular urges and aspirations stand on a completely different footing today than it used to be some 30 years ago, and let him come to terms with the 20th century

I wholeheartedly support this Bill and congratulate the hon Prime Minister for her great statesmanship in bringing this Bill and also our hon External Affairs Minister because I feel that it is another colourful feather in his cap or his turban as one may call it

SHRI FRANK ANTHONY (Nominated--Anglo-Indians) Mr Deputy Speaker, Sir, when some of us met the Prime Minister the other day I made it clear that in our approach to this Bill we should not be concerned at all with the reactions of China or their friends in India Also, we should not be concerned with the reactions of Chogyal But I did make what I felt very strong observations both from the Constitutional and the political point of view

Before I underline those reservations may I perhaps on behalf of the Government of India allay a canard, and—I am disposed to using strong

[Frank Anthony]

language—may I say, only a knave or a fool can suggest that this Bill is remotely a measure for annexation? There is not the remotest whisper of annexation in this Bill. There is not the gravemen of my complaint against of even a semi-merger and that is the gravemen of my complaint against the Bill. I felt that since these people have now entered on a new democratic phase probably because as my friend from CPI(M) read out of their previous demand for merger if they would like to merge, what I felt was, we should have asked them to merge so that we would not have to subvert our Constitution. That is my basic objection. I say certainly welcome them with open arms; help them to the maximum extent economically from the point of view of planning....

But, I cannot understand this wishy washy Bill which, to my mind, is dangerous, a dangerous innovation, not only constitutionally but even more dangerous politically. I say this Bill is an invitation to the balkanisation of this country. Now, Sir, one of my friends who just spoke said 'It is all very well for lawyers to be niggling in their approach'. But, after all, when dealing with the Constitution, it is not a question of being niggling. It is a question of some basic postulates. I had the privilege of being among the framers of the Constitution. Now, what did we do? In Article 2 of the Constitution, we envisaged two kinds of new States; Parliament admitting a new State and Parliament establishing a new State, but, both kinds of new States being very much part of the Union of India; part of the territory of India. That was the basic underlying concept of the Constitution and still is. Whatever States we have, whatever new States we have, they must be admitted within the Union of India; they must be part of the territory of India. But, what are we doing? I do not know why we were afraid. What are we afraid of these charges of annexation from China or from the friends of China in this House? If these people wanted to merge, why did they not ask categorically to merge and we categorically accept the merger so that we would not have to, as I said, undermine the basic postulates of our Constitution? That is my serious reservation with regard to this Bill. What are we doing? We are advisingly creating an associate State, a third category which was advisedly not contemplated by the framers of the Constitution. There is no point in some new young Member, who does not know the background of our discussion, wanting to know what the basic postulate was. We were not prepared to accept any State in the Indian Union unless it is a part and parcel of the territory of India. That was the basic postulate. That was the basic ethos of our Constitution. Today, you are going to bring in this new category, of associate Sikkim conditions postulated in this Schedule. Schedule. May I say....

PROF. MADHU DANDAVATE (Rajapur): I do not want to contradict you on this point. But, I would like to know, do you mean to say that young people will not have an opportunity or permission to amend the Constitution because they were not present at the time of framing the Constitution?

SHRI FRANK ANTHONY: Far be it from me to lay down any rigid proposition like that. What I said was that for very good reasons, we had this basic underlying concept of our Constitution and I am coming to it immediately. As I said in reply to my friend, this is not only a dangerous innovation, Constitutional innovation, but it is, as I say, literally utterly repugnant to the basic concept of our Constitution; it is literally an alien concept. Why do I say that? Here, I answer my friend. What is the basic ethos of our Constitution? What is it? We talked of Federation and we discussed this question threadbare.

What kind f Federation can this country have? In this multi-ethnic, multi-religious and multi-linguistic mosaic that is India, what kind of Federation can we have? Some of us spoke very strongly 'A Federation not like the United States' 'A Federation with a strong, a pronounced unitary bias with all the residuary powers at the Centre'. Why did I alone, in this House, standing there—I have been demoted a bit now—oppose the formation of Andhra Pradesh? Why? I had no axe to grind. Why?. I used to be close to Sardar Patel and I remember asking about this because there was this rumbling and he told me. He told me, unfortunately he died, he said to me: Anthony, I do not want to see one India die; they are our own people; but if 10,000 people died we will never concede Andhra because in conceding Andhra Pradesh you are striking at the roots of the integration of India. Why did I oppose, alone, conceding Andhra? Not because it compromised the basic postulates of a unitary State with all the residuary powers in the Centre but because of the history of India. Some people may not like it. But the history of India had been a history of tribalisms. I said: once you make political power coincide with linguism, you will place a premium on the new linguistic cum regional chauvinism, that will tear at the seams of India. What is happening today? There, demand for more autonomy; here, demand for new separate State. You see the Centre is helpless. Look at this evil philosophy of the sons of the soil. Is it not the direct consequence of this new linguistic cum regional chauvinism? It makes abosolute mockery of the idea of a single nationality, the idea of a common citizenship, when a person in one district cannot go to another district and be employed there.

17.00 hrs.

MR. DEPUTY-SPEAKER: How is all this relevant to Sikkim?

SHRI FRANK ANTHONY: It is directly relevant because the Government is now subverting the whole basic concept and in subverting it they are opening flood gates to the new concepts. We have a federation. Unitary bias and residuary powers. Now you have got a confederation, a united nations, with emphasis on nations and not on unity. This is an invitation to balkanisation, when you bring in the concept of associate State. It is an alien concept. I want the Foreign Minister as well as the Law Minister, if they could, to answer this simple question. As far as I can see it, I know a little about the Constitution, you are subjecting, for the first time in the history of independent India, our Constitution to the vagaries of an outside legislative body. As I read the scheme of this Bill and the Statement of Objects and Reasons, I see, whether you intended it or not, constitutionally you have placed at parity, not only Parliament but Parliament acting as the Constituent Assembly, with the Sikkim Assembly. You say that the Sikkim Assembly have requested you and therefore you have brought in the Bill. My friend there wanted you to give almost independence to the Sikkim Assembly. I am asking you a simple question. When they passed the 1974 Act, when they made this diluted resolution for being represented, why did not they ask for merger? Can they revoke it? Can the Sikkim Assembly revoke that request on which you are brining in this exercise? Look at the utterly ridiculous and absurd position in which you place not only Parliament, but Parliament functioning as the Constituent Assembly. What guarantee have we got? With their majority today, with new power and taste of power, and encouraged by my friends on that side and also by their friends from outside, can they say: all right, we will revoke this, we do not want two people there, we will have now two persons in Kathmandu. Can they do that? Can they revoke their request? If so, what will happen to this exercise supported by so much

[Shri Frank Anthony]

eloquence and loudness on the Government side?

We will be the moronic laughing stock of the world. At the request of an outside body, we seriously go through an amending process. Six months from now, one year from now, that outside body may say, "We do not want representation" If they listen to my friend there, they may say, "We do not even want to be a protectorate". Let us hope they do not do that. But at least they can revoke and repeal this. Then what will be its effect? The whole position is monstrous that we seriously amend our Constitution and make it subject to the vagaries of an outside legislative body. Today they ask us. Tomorrow they do not ask us. Day after tomorrow, two aliens will sit in this House. My friend Mr. Advani said, "I do not agree". But I said, I am talking legally. You may call them strangers, aliens or foreigners. In law, they are foreigners. You abrogate article 102, which postulates all the disqualifications I do not say that the Sikkim Assembly will permit it, but because you are abrogating article 102, your representative can be insane, can hold an office of profit and can certainly not be a citizen of India and he will sit in this august House as an alien. I do not know what oath he is going to take. He certainly would not take the oath of allegiance to the Indian Constitution because he will be an alien.

I was a little surprised at the argument trotted out by Mr. Swaran Singh. He said, we already had special provisions for the Kashmir and for the Anglo-Indians in the Rajya Sabha. But was there a semolance of any parity of position or reasoning? Those special representations were not given to aliens. They were given to Indians. I sit here because I am not an alien; I am as much and as good an Indian as Mr. Swaran Singh. That is the basic postulate of our Constitution. If you want to sit in this House, you sit in it as an Indian, as a representative of a part of the territory of India.

I was very unhappy when I heard my friend there speak. I do not know what kind of independence he is wanting for Sikkim. I thought already they have a fair measure of legislative autonomy, except in matters of defence, communications and foreign affairs. If not today, tomorrow they can repeal this request for two seats. So, the whole thing will be not only an exercise in utter futility but an exercise that will expose the whole House to the ridicule of the world that because a small people like that merely made a request, you amend your whole Constitution. Tomorrow they withdraw their request. What happens to that part of the Constitution? It destroys itself.

With people pleading for complete autonomy, what is there in the face of realities to suggest that the Nepali majority will move nearer and nearer to India? That is why I told the Prime Minister, "If they want to be with us, why don't they say, we want a merger?" Why do we leave them open to subsequent pressures from outside there and from inside here, so that they change their minds? They have got an independent Nepali kingdom on one side. You have about a million of Indian Nepalese. They are crying hoarse for a separate kind of enclave somewhere in Darjeeling.

What will be the compulsions of this Nepalese majority in Sikkim except to move farther away, and that is the compulsion for every ethnic-cum-linguistic minority in the country. When they are in a position as a majority, certainly they will move farther and farther away, being a linguistic cum-ethnic majority there. And when they move away, what will happen?

My last point is this. Today so many parts of this country are straining at the constitutional leash—and

this is the answer to my friend, Professor Dandavate—and that is why we provided in the Constitution the leash, a unitary bias with a strong and stronger Centre. In spite of that, in the South, Mizoram, Kashmir, we are still bedevilled with this. I do not want to say what I said at the last meeting with the Prime Minister about my discussions with Sheikh Abdullah in 1964. Here is an invitation to political *harakiri*. By this kind of measure you are offering on a platter to all the separatist interests and parties of this country something ready-made, that foreigners can participate in some loose/confederation, and not as part of India. You are offering it on a platter to Kashmir, Tamil Nadu, Nagaland and Mizoram.

When the Centre weakens, as it will weaken—it is all right when Shrimati Indira Gandhi is in power, I differ from her on many issues, but I give her full marks; she has given a strong Centre; but she will demit the scene, as we will all demit the scene—if the Centre weakens, and all the signs are that the Centre will weaken, then no one will be able to save this country. It will be torn apart on the basis of this new, ill-advised, misconceived amendment that you are bringing in.

MR. DEPUTY-SPEAKER: A slight under-estimation of the people of India.

SHRI VIKRAM MAHAJAN (Kangra): Mr. Deputy-Speaker, this amendment which has been brought in by the Government has a historical importance and it will go down in history as a very important step that the Government has taken. Many objections have been raised by the hon. Member, Shri Anthony. I was listening to his oratory with great attention. He has been emphasizing on the basic intentions of our founding fathers and the basic philosophy which our constitution-framers intended to embody in the Constitution.

17.14 hrs.

[SHRI JAGANNATHRAO JOSHI *in the Chair*].

I have great respect for our founding fathers. I say they represented the cream of the intelligentia of that age and so the greatest respect should be given to the thoughts embodied in the Constitution. But the Constitution always represents the aspirations of a particular generation. So, no Constitution can be deemed or termed as inelastic or static. A living Constitution must reflect the aspirations of that particular age.

It is true that the Constitution-makers in 1950 did not envisage the associate-status, as we are thinking at present and for which this Bill has been brought. But a new generation has come, a new situation has arisen which needs a new solution. No generation can decide once for all what can be the constitution for the country. No generation can say that it is the wisest generation and whatever it decides should be followed by all ages and by all future generations to come.

That is the basic fallacy of the argument which my hon. friend has placed before the House. He has pleaded before the House that the basic philosophy was that there should be two types of States. That was the basic philosophy expounded by our founding fathers. It is true that they envisaged two types of States, as mentioned in article 2 of the Constitution. But the present situation which we are facing today needs a new type of association; and a new thought, a new philosophy, has been embodied in this Constitution by the Amendment Bill.

The basic difference between a Constitutional Amendment Bill and an ordinary piece of legislation should be understood. An ordinary piece of legislation, like the Interest-tax Bill that we have on the Business List or the Finance Bill or the Coal Mines Bill or the Petroleum Bill, etc. has to

[Shri Vikram Mahajan]

conform to the provisions of the Constitution. But when you are amending the Constitution itself, it need not be in consonance with the previous Constitution because it is the previous Constitution which we are amending. That is the basic difference between an ordinary piece of legislation and the Constitution Amendment Bill.

All the objections which were raised at the time the Bill was introduced in this House or which are being raised now suffer from this basic fallacy. They are trying to test this Constitutional Amendment Bill, thinking that it should conform to the Constitution as it already exists. But they forget that this Bill itself adds to or subtracts from the existing provisions of the Constitution. Therefore, these objections have no relevance. The basic reason why they are putting forth these objections is that they have failed to understand the basic distinction between an ordinary piece of legislation and a Constitutional Amendment Bill.

As I submitted earlier and I am repeating, that the Constitution should be a dynamic Constitution, as Indian Constitution is. It should be a living Constitution. It should reflect the aspirations and the urges of the generation which at the time exists. No generation has ever claimed and I do not think will ever claim that it happens to be the wisest generation and that whatever it frames could never be changed. That is the basic fallacy from which my hon. friend, Mr. Anthony and other friends who were trying to raise the objections suffer from. Therefore, I humbly submit that the points put forth by them are based on assumptions which are basically wrong.

What this particular amendment does is that it gives vent to the feelings, it embodies the urges and aspirations of our neighbouring country, Sikkim, the people of Sikkim who want a closer relationship with India. They want a closer association and closer ties with our country. Their aspirations are to have closer economic ties and closer political ties. This is an expression of their will and acceptance of the expression of their will by the people of our country. The two countries have expressed their urges and aspirations. This particular Bill is embodying those urges and aspirations. Therefore, I submit, the present Bill is an embodiment of a different system, a different concept, which did not exist at that particular time.

This is not the only country where such a relationship has developed. Even a country like U.S.S.R. has recognised independent autonomous States within its Union and, not only that, they have a representation in the United Nations also. Some of the States which form the U.S.S.R. have a representation in the United Nations also. Some other countries have gone much further than us. Every country has faced a particular situation and has given expression of that in various forms. One of the forms is what the Union of Soviet Socialist Republic has done. Another system is what we are trying to adopt now. I am quite certain that it will succeed to a greater extent.

Some of the hon. Members have raised the point as to what the other countries will think of us This is an obsession which some of our friends are suffering from, have been suffering from and will suffer from They will never get out of it. They forget that what is supreme is the national interest and not the opinions of other countries which depend on what their interests are and not what our interests are. If a particular country criticises India in a particular situation, it is because the interests which they are trying to pursue are not in consonance with our interests. The international opinions are dependent on that. Therefore, I submit that international opinions should not be the deciding factor; the deciding factor should be the aspirations and interests of our country and of Sikkim. Those who give vent to the international

feelings are trying to do so so that we may fall into their trap, so that we may forego our national interest for the sake of the interests of those countries. Therefore, I submit that these are not the basic factors which should be taken into consideration.

Another hon. Member came out with the thesis that it is an annexation. As the speaker who preceded me has pointed out, India can never be accused of having designs of annexation. There can never be two opinions on this. If you go through the history of India for centuries, no act can ever be pointed out which points a finger in that direction. India has never been an imperialist country, it has always been a country of contented people who have believed in giving shoulder and help to others. It has never had any designs of annexation. The 1965 was and the 1971 war have shown that India has given help, has lent its shoulder, to others. It has never followed a policy of annexation.

Therefore, I personally feel that, irrespective of party affiliations, irrespective of ideological differences, all parties should unite and welcome this historical measure, this bold and dynamic step which our Prime Minister and our Foreign Minister have taken. I congratulate them for having taken such a bold and dynamic step.

SHRI P. K. DEO (Kalahandi): Mr. Chairman, Sir, my concept of India is

आसेतु हिमाचलम

"Asethu Himachalam"

उत्तर यत् समुद्रस्य, हिमाद्रश्चैव दक्षिणम् ।
वर्षं तद् भारत नाम, भारती यत्र संतति ।।

Kalidas Sang:

अस्तुत्तरस्याम् दिशिदेवतात्मा ।
हिमालयो नाम नगाधिराज . ।।

I deem it a privilege to participate in this debate. I being one who placed all I had at the lotus feet of Mother India. As pointed out by you, Mr. Chairman, during the course of your speech, I and the present Chogyal's father were together in the Chamber of Princes, and even though there was the British paramountcy, the entire panorama of integration of States to the Indian Union is in front of me. At that time it was the patriotic call of Sardar Patel and the feeling of the people to participate in the mainstream of Indian politics and share the responsible Government, that hastened the integration of the States to the Indian Union. I remember, in those days, how some elements tried to create a situation in Travancore-Cochin to make it a member of the United Nations. It was the patriotic popular upsurge in that part of the country which compelled the hand of the then ruler to sign the merger agreement with this country. Similarly, we salvaged Kashmir because of the Instrument of Accession of the previous Maharaja, Maharaja Hari Singh. We all know that when the Nawab of Junagadh, Manavada and Bahriabad wanted to accede to Pakistan, it is the people of Junagadh, Manavadar and Babriawad who fought against the sinister intentions of the Nawab and helped in the integration of those States to India In this case, when the people of Sikkim are with us, why not we fully utilise them and make the Bill foolproof so that for all times to come Sikkim may become an integral part of this country. I could reconcile to the idea if Sikkim could become the 22nd State of the Indian Union but I cannot reconcile to the idea that it can become an Associate State.

12.26 hrs.

[SHRI ISHAQUE SAMBHALI IN THE CHAIR

From the very fact of accepting Sikkim as an Associate State so many repercussions, both internal and external, flow. Sikkim, for all legal and practical purposes, is a protectorate. When, in various parts of the world, protectorates are emerging as independent units, when even Gen. Spinola of

[Shri P. K. Deo]

Portugal has gone to the extent of giving independence to Guinea-Bissau, Mozambique and Angola, for us to say that Sikkim will become a part of India, not in a straight way, not by an instrument of accession not by a bilateral agreement, but by a clandestine way, I think the purpose will not be appreciated. There will be a strong criticism and strong repercussions and its ripple has already been felt in the Rashtriya Panchayat in Nepal and in China. I would like to point out in this regard that the Sikkim Act which had the seal and approval of the Chogyal is perfectly all right. But when we come to the Resolution of the 28th June where they wanted to make certain amendments to the Act, as we all know of the democratic process, an Act cannot be amended by a Resolution. In the Resolution of the 28th June, 1974, they wanted "political institution", to be substituted by "parliamentary system." That means they want association in the parliamentary system of the Indian Union. That is, in a nutshell, the resolution of the 28th June.

So far as the Chogyal is concerned, I most respectfully submit that we feel the absence of a statesman like Sardar Patel at this juncture who could have been able to secure the signature of the Chogyal and could have made the integration of Sikkim a *fait accompli*.

I cannot understand why in those formative days Sikkim and Bhutan were equated together and were treated in a different way apart from the other Indian States and why the Ministry of External Affairs was going to deal with these two States when the other States were being dealt with by the Ministry of States presided over by Sardar Patel.

As pointed out by the previous speaker, there are several genuine apprehensions and the most genuine apprehension is that when there has been so much talk behind the scene with Sheikh Abdullah, to revert to the status quo ante position prior to 1953, I want a categorical answer from the Minister of External Affairs and from the Government and from the Government that there should not be any compromise so far as our position with Kashmir is concerned. Fissiperous tendencies are coming up in the south; fissiperous tendencies are coming up in Nagaland. An assurance is demanded on my behalf and on behalf of the party that the Government should come forward with a statement and should come with an agreement which will have a permanent effect. As Mr. Frank Anthony has said, we cannot go on changing our constitution according to the whims of the members of the legislature in Sikkim. They may revoke this very thing, they can say, we withdraw our representative from you, and then, what will be our position? The next day they may say. "we will have representative in Kathmandu"; some other day they will say "we will have representation in Peking" and so on. When my friend from the CPM was speaking I felt as if one with some extra-territorial loyalty had been speaking. We have not forgotten the Chou-En-lai's statement where Sikkim has been described as one of the fingers from the palm of Tibet which was a part of China.

I cannot help feeling that this is a deliberate tactics of trying to hoodwink the people from the burning problems of the day, of rising prices, of unemployment, of poverty, of food shortage, of starvation deaths, the giving away of Katchativu and the alleged forgery of certain Members which has brought disrepute to the parliamentary system in this country. The other day a nuclear device was exploded. When the people are clamouring for food, as Mario Antoinette said, "have cakes instead of bread," so also, you are saying, have plutonium instead of bread. When you are not able to solve burning problems of the country you are making a show as if you have achieved something very

spectacular and so on. Sikkim is an integral part of India; it has remained an integral part of India, but it has to be achieved in a proper and pragmatic way, not in a clandestine manner that is being done by this present Constitution (Amendment) Bill. These are my observations on this Bill.

SHRI P. R. SHENOY (Udipi): I welcome the principle of granting the status of associate membership to the protectorate of Sikkim in the Union of India by means of a Constitutional Amendment. If we believe in equality of man, no territory shall be a protectorate or a colony or any other type of non-sovereign entity under the control of another territory. Every territory shall be either sovereign or shall share sovereignty with other territory or territories. If we accept this principle, in respect of Sikkim, we have done well in introducing this Bill. Of course I doubt very much whether, in respect of Sikkim, we have straightaway enabled Sikkim to enjoy sovereignty with the Union of India, by introducing this Bill.

Certainly, it is a step towards sovereignty. The status of an associate membership is far superior to the status of protectorate and, I hope, that in due course, Sikkim will become a full-fledged State in the Union of India with whatever amount of autonomy it wants to have.

The democratic urge for an associate membership with India is not a recent development in Sikkim. In fact, the freedom movement in India encouraged the people of Sikkim to form their own political parties and the Sikkim State Congress was formed in the year 1947—in December, 1947—when the leaders of all political parties including Shri Kazi Lendup Dorji met in Gangtok and thereafter, they approached the Maharaja of Sikkim demanding a popular government, an interim ministry and immediate accession to India. Ever since then, they have been struggling for accession to India. But, somehow or other, the Government of India was always siding with the Chogyal. It was hesitating to side with the people of Sikkim. For the first time, the Government of India had decided to side with the people as against the Chogyal. I congratulate the Government of India for taking up this bold step.

Some people think that this amendment may create some misunderstanding in China and some other countries too. If we are doing a right thing, we need not be afraid of any misunderstanding. Whether we bring this amendment or not, the misunderstanding with China over the issue of Sikkim is already there. When Mr. Chou-En lai visited India in the year 1960, he said that China respected India's relations with Bhutan and Sikkim. But, after some time, the Government of China amended this statement and said that 'China respects proper relations with Bhutan and Sikkim. It added the word 'proper'. What relation we have with them that is not for China to decide. It is for the people of Sikkim and for the people of India to decide. We have decided as to what should be the proper relations that should exist between India and Sikkim.

In newspapers, we have seen that China is attacking this Bill. I would like to ask China 'What did she do in the case of Tibet?' After annexing Tibet, we do not have Dalai Lama there. Tibet has no separate Constitution. We have not done that. In Sikkim the Chogyal will continue to be the Chogyal and it will continue to have a separate Constitution. A doubt was expressed that if we oppose this Bill, the identity of Sikkim will be destroyed. India can be accused of anything. But, she cannot be accused that it has destroyed the identity of any minority or of any group that has a distinctive language or culture. In fact, after the attainment of Independence, Government of India accepted the principle of formation of States on linguistic principles. There has been reorganisation of States in the

[Shri P. R. Shenoy]

country on linguistic principle and separate States have been given to tribal minorities. When Goa was liberated and when the people of Goa wanted it to be a separate territory, India had agreed to this. Therefore, there need not be any fear that the identity of Sikkim will be disturbed by passing this Bill into an Act.

Sir, then there is a charge that India has territorial ambitions and we are trying to annex Sikkim. This is also not true. The recent evidence is that of Kachchitavu. When the circumstances demanded that we should give up our claim to that island in favour of Ceylon we have done that.

There is another complaint that there is undue haste in bringing this Bill. Haste there is but there is not undue haste and in cases like this there must be some haste because there is already a confrontation between Chogyal and the Chief Minister of Sikkim. Further, an attempt to bribe and defect some persons in Sikkim has already started and foreign forces have started functioning in Sikkim. To put an end to all this there must be certain amount of haste and I congratulate once again the Government of India for hurrying up in bringing this Bill.

Mr. Anthony raised some doubts regarding the constitutionality of this Bill. He says that the Constitution cannot be amended in the fashion in which it is sought to be amended. According to him the unitary bias of our Constitution cannot be changed. Mr. Anthony is more interested in the supremacy of the Constitution than in the fate of Sikkim. He believes in the supremacy of the Constitution but he does not believe in the sovereignty of Parliament. We heard him when the Constitution 24th and 25th amendments were passed.

With these words I conclude.

SHRI C. T. DHANDAPANI (Dharapuram): Mr. Chairman, Sir, this Constitution Amendment Bill has been given special importance because it is unprecedent in the political history of the world. Contradictory statements are coming in regard to this Bill. The Chief Minister of Sikkim says these are the wishes of the people which are coming in the form of the Constitution Amendment Bill but at the same time Mr. Chogyal says the present move is against the will of the people of Sikkim. Another neighbouring State, that is, Nepal also says the action of the Government of India is against the distinct identity of Sikkim. Considering all these factors will it not be proper on the part of Chief Minister of Sikkim and the Prime Minister of India to go to the people of Sikkim and ask for referendum in this matter. I want to have a categorical reply from the hon. Minister. Our leaders even in the past were not for inclusion or association of Sikkim to the Indian Union. On the contrary they wanted close relationship with Sikkim. After the introduction of this Bill some leaders of the world have given their reactions to it. Even Nepal has reacted in a very bad manner.

Sir, I saw some captions in the daily newspapers. 'Nepal for retaining Sikkim's identity'. They demanded in their Panchayats:

> "Angry Members said Nepal should learn from Sikkim's plight and create international opinion in such forums as the U.N."

Angry Members of Parliament have said in Nepal Parliament that Nepal should create world opinion against India in the UNO. This is the kind of feeling of Nepal Members of Parliament. Secondly, it has been stated:

> "The Foreign Minister Mr. Gajanenda Bahadur Karki told the National Panchayat that Nepal

could only reaffirm its earlier stand that it was opposed to outside interference in the internal affairs of any nation and as a close neighbour wishes that Sikkim makes progress through preservation of its traditional identity'

Another news item has appeared in the newspapers Rally by students They shouted before the Indian High Commissioner's Office in Nepal

Indian Imperialism in Sikkim

'We the students of all campuses and Universities strongly condemn your colonialism"

They have held demonstrations before our Embassy I saw another news item in the newspapers It says

China assails India's Sikkim policy'

Most ridiculous and absurd

Everybody knows that Indians or Indian agents are controlling Sikkim's National Assembly and wielding administrative powers The so-called Sikkim request for joining India is nothing but a monologue produced and performed by the Indian Government

These are the news items which have appeared in the newspapers I would like to ask the hon Minister two things Firstly, the Bill has been brought before this House just because the National Assembly of Sikkim passed a unanimous resolution asking for representation or close relationship, whatever it may be, in the Indian Government or in the House of People or the Council of States Sir it has been stated in the Statements of Objects and Reasons

"On the 28th June, 1974 After passing the Government of Sikkim Bill, the Sikkim Assembly resolved unanimously that measures should be taken among other things, for seeking representation for the people of Sikkim in India's Parliamentary system'

I would like to ask the hon Minister, if any State in this country passes a unanimous resolution in its Legislature will you enact a law in the Parliament as you have done in the case of Sikkim? This is my question Secondly it has been stated

After the promulgation of the Government of Sikkim Act the Chief Minister of Sikkim has made formal request to the Government of India'

The resolution has not been officially forwarded Only a formal request from the Chief Minister has been made to the Government of India It has been stated here I would like to know, if any Chief Minister makes a formal request to the Central Government will you enact a law will you enact a Constitutional amendment? I would like to know that

DR KAILAS (Bombay South) Sentiment of DMK is coming out

SHRI C T DHANDAPANI Always there

SHRI NOORUL HUDA (Cachar) It does not suit your sentiment

SHRI C T DHANDAPANI It has been stated with a view to giving effect to the wishes of the people of Sikkim I would like to know if the people of any region in this country want to have anything particular will you consider the wishes and the desire of the people? Thirdly Sikkim is a sovereign State It has

[Shri C. T. Dhandapani]

got its own separate identity. It has got its own culture and so on. It is a separate State.

A separate State is being given representation in this House. According to the amendment moved by the Minister of External Affairs, it is not at all a sovereign State; it is a parliamentary constituency according to him. When some Congress Members were speaking, I was somewhat confused; I could not understand what they spoke about. We have given a special status to Kashmir. A dialogue also is going on between the special envoys of the Prime Minister and Mr. Sheikh Abdullah. I do not know what they are going to do. Suppose Sheikh Abdullah is again made the Chief Minister of Kashmir and he passes a unanimous resolution in the Kashmir Assembly asking for associate status for Kashmir, what are you going to do? Would you have a Eleventh Schedule in the Constitution? Our learned lawyer friend Mr. Mahajan referred to the USSR Constitution and said that they are trying to adopt constitutional system of USSR. I do not know what he said were his personal views or the views of Government. Do they know that there are provisions in the USSR constitution giving the States the right to secede? Any State of the under Article 17 of the USSR Consunder article 17 of the USSR Constitution. If any State wants to have trade relations with other countries, they can do so without the consent of the President of the USSR. In the United Nations the USSR has got three representatives: Ukraine, Bylo Russia and the USSR. Next to China, ours is the biggest country in the matter of population. If Mr. Mahajan's version is accepted, are they going to send several representatives from India to UNO.

Before I conclude, I want to refer to this. Our friend Mr. Deo said that there were fissiparous tendencies in the South. He wanted to mention the DMK but he did not. We have said that we are not for separation. When we demanded more powers for the States, without knowing facts Members were branding us as separatists. We are not for separation. At the same time we had our own apprehension that the Central Government and our Prime Minister Indira Gandhi will not consider or implement the true federal principles in this country.

Though it is called a federal country, the principle is not being implemented. At the same time, our apprehension is being belied by this Bill. Our External Affairs Minister went one step further accepting confederation. We are happy that the Government is accepting the principle of confederation.

श्री परिपूर्णानन्द पैन्यूली (टिहरी गढ़वाल) : सभापति जी, विदेश मंत्री द्वारा प्रस्तुत संविधान के 36वें संशोधन का मैं समर्थन करता हूं। इस संदर्भ में चार

वाले एक साथ जुडी हुई है। पहली तो है 5 दिसम्बर, 1950 की शान्ति संधि जो हमारी सिक्किम के साथ हुई है, दूसरा 8 मई, 1973 का त्रिपक्षी समझौता, तीसरा सिक्किम असेम्बली का रिजोल्यूशन जो 20 जून, 1974 को पास हुआ और चौथा गवर्नमेंट आफ सिक्किम एक्ट, 1974। इन चारों को एक साथ मिलाकर देखते है तो मै समझता हू कि जो संशोधन लाया गया है यह उसी क्रमिक विकास का एक प्रतिफल है।

मान्यवर, 1950 की जो हमारी ट्रीटी है उस के मुताबिक सिक्किम के साथ जो समझौता है वह वास्तव मे 1861 मे यू० के० का सिक्किम के साथ समझौता हुआ था उस से कही अधिक महत्वपूर्ण है इस माने में कि उन का तो एक खाली समझौता हो गया था। उस समझौते को तोडने वाले के साथ क्या किया जायगा इस का कोई प्रावधान नही था। किन्तु 1950 के समझौते मे यह स्पष्ट था कि आपस में किसी भी मसले पर अगर मतभेद होगा तो हमारा सुप्रीम कोर्ट इस का आर्बिट्रेटर होगा और उस का फैसला अन्तिम होगा।

मान्यवर, 1950 के समझौते के बाद भी वहा की जो सिक्किम स्टेट काग्रेस थी उसने इटर्नल अटोनामी की बात को इसलिए अस्वीकार किया था कि उन को शक था कि इस में चोग्याल को ज्यादा अधिकार दिये गये है। और इसलिए वहा की स्टेट काग्रेस ने बायकाट किया था जब उस की खुशी में चोग्याल ने जश्न मनाया। मान्यवर, जहा तक सिक्किम का सवाल है मै एक बात और कहना चाहता हू कि यू० के० का और नेपाल का जो 1814 की लडाई के बाद 1817 मे समझौता हुआ था उस मे स्वीकार किया गया है कि सिक्किम यू० के० की एक प्रोटक्टोरेट है। उस के बाद यू० के० का चाइना के साथ 1890 मे समझौता हुआ था उस के मुताबिक यह स्वीकार किया गया था कि सिक्किम यू० के० की एक प्रोटक्टोरेट है। 1890 मे जो समझौता हुआ था उस के दो वाक्य पढ़ कर सुनाना चाहता हू.

"It is admitted that the British Government, whose protectorate over Sikkim State is hereby recognised, has direct and exclusive control over the internal administration and foreign relations of that State, and except through and with the permission of the British Government, neither the ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country."

तो मैं निवेदन करना चाहता हू कि बहुत से लोग जो कहते हैं कि इस के अन्तर्राष्ट्रीय परिणाम होगे। सिक्किम कभी भी एक इडिपेण्डेट कन्ट्री, सोवरेन कन्ट्री के रूप मे नही रहा। और इसीलिए 1950 के समझौते के मुताबिक हमारे डिफेंस, फौरेन एफेयर्स, कम्युनिकेशन्स के अन्तर्गत तो सिक्किम भारत के अधीन आता ही है, उस के अलावा अगर हमारा आपस मे कोई मतभेद होता

[श्री परिपूर्णानन्द पैन्यूली]

है तो उस को रेफर किया जायगा सुप्रीम कोर्ट को । तो एक और यह स्थिति है ।

18.00 hrs.

दूसरा यह है कि 1949 से लेकर अब तक सिक्किम की जनता ने जो आन्दोलन वहा की सामतशाही, वहा के निरकुश शासन के विरूद्ध किया था, उसी का यह परिणाम है कि यह आन्दोलन सफल हुआ और जनता का शासन वहा पर कायम हुआ । भारत सरकार ने केवल मात्र जनता की भावनाओ का आदर करते हुए, वहा की जनता को समर्थन दिया । हमारी अभी तक कही किसी देश पर कब्जा करने की न तो इच्छा रही है और न हमारी प्रसारवादी नीति ही रही है । इस बात का प्रमाण यह है कि भारतवर्ष ने आपको मालूम होगा कि बगला देश का जब आपरेशन हुआ और बगला देश आजाद हुआ, अपनी फौजो को वहा से वापस बुला लिया । आपको मालूम होगा कि सीलोन से मुद्दत से जो हमारे कच्चा टीवू के बारे मे मतभेद था, वह मतभेद भी कच्चा टीवू को श्रीलका को देकर समाप्त हो गया और बर्मा के साथ भी सीमा के मामले को लेकर हमारा समझौता हो चुका है । हम चीन और पाकिस्तान के साथ भी अपनी सीमा को लेकर सम्मानपूर्वक समझौता करना चाहते हैं । हमारा देश किसी देश पर न तो आक्रमण करने वाला रहा है और न हमारी प्रसारवादिता की कभी कल्पना रही है । आपको स्मरण होगा कि नेपाल के महाराज त्रिभवन जब हिन्दुस्तान आये थे और वहा की जनता ने राणाशाही के विरूद्ध विद्रोह किया था, तो उस वक्त उन्होंने स्व० पंडित जवाहर लाल जी से कहा था कि हिन्दुस्तान मे आप नेपाल को भी शामिल कर लीजिये और जैसा रिश्ता आप चाहें हमारे साथ कायम कीजिये लेकिन उस वक्त जवाहर लाल जी ने कहा था कि हमारी प्रसारवादी नीति नही है और हम नेपाल को नही लेगे । अगर हिन्दुस्तान चाहता तो तत्काल उनके कहने पर उसको अपने मे मिला लेता और 27 वर्ष पूर्व किसी न किसी बहाने हम सिक्किम को भी हडप लेते । इसलिये कह देना कि भारत की प्रसारवादी नीति है, यह सर्वथा गलत है और हमने कभी इस नीति का अनुसरण नही किया है । सौभाग्य है कि वाजपेयी जी इस समय विद्यमान हैं । उन की पार्टी के श्री जगन्नाथ राव जोशी ने हैदराबाद के साथ स्टैंडस्टिल एग्रीमेंट की और न जाने क्या क्या बात कही है हालाकि उस का यहा प्रसग नही था । मै निवेदन करना चाहता हू कि 1964 मे जब कैबिनेट मिशन हिन्दुस्तान मे आया था तो उन्होने कहा था कि पैरामाउन्टसी अब राजाओ को वापस मिल गई है और राजाओ और नवाबो ने भी उस दिन अपने को स्वतत्र घोषित कर दिया था उस समय चेम्बर आफ प्रिंसेज के प्रेसीडेंट नवाब भोपाल थे, उन्होने माउन्ट बैटन को चिट्ठी लिखी थी कि जिस दिन से पैरामाउन्टसी आप समाप्त करेंग, उसी दिन भोपाल एक स्वतत्र देश हो जायगा । निजाम हैदराबाद ने भी यही किया और यहा तक कि ट्रावकोर के दीवान से भी यही किया और कितने ही राजाओ ने स्वपन देखे थे कि अब हम बिल्कुल स्वतत्र हो जायेगे । हम सरदार पटेल की

दूरदर्शिता और उनकी संगठन शक्ति की दाद देते हैं जिनके कारण भारत का विघटन होने से बचा और हमारी आजादी जो खतरे में पडने वाली थी, वह बच गई । आप स्टेंडस्टिल एग्रीमेंट की बात करके बाबा आदम के जमाने की बात करना चाहते है ।

मैं कहना हू कि कांग्रेस की कुशल विदेश नीति और कुशल स्वदेश नीति का प्रतिफल था जो हम इन रजवाडों को एक साथ सगठित कर सके और आजादी की रक्षा कर सके । एक तरफ तो हमारी यह नीति है कि हम अपनी एक इच भूमि भी दूसरों को नही लेने देगे और दूसरी तरफ हम किसी दूसरे की जमीन हडपना नही चाहते हैं ।

मान्यवर, इसीलिये मैंने यह निवेदन किया था कि हम तो सिक्किम की जनता की भावनाओं को आदर करके इस काम को कर रहे हैं । सब जानते हैं कि सिक्किम के चोगि, याल जो है वे हिन्दुस्तान के चेम्बर आफ प्रिंसेज के सदस्य थे और 15 तोपों की सलामी उनको मिलती थी जबकि उनकी रियासत हमारी जो रियासत टेहरी गढ़वाल है, जहा से मैं आता हू, उससे छोटी थी और बहुत से दूसरे राजा उनसे बडे थे । तो चोगियाल की कोई बहुत बड़ी हस्ती नही थी और सिक्किम के सबध हमारे साथ करीब करीब ऐसे थे कि वह न तो एक स्वतत्र देश था और न हमारे हिन्दुस्तान का वह एक अग था। इसलिये दो बातो को आपस मे मिलाना और एक खिचडी सी पकाना ठीक नही है। एसोसियेशन की बात कही जाती है। मान्यवर, यह जो गवर्नमेंट आफ सिक्किम एक्ट है, इस मे कैटेगोरीकली कहा गया है । इस का जो रेलेवेन्ट पैराग्राफ है, मै उसको कोट करना चाहता हू । यह पेज न 35 पर है ।

"For the speedy development of Sikkim m the social, economic and political fields, the Government of Sikkim may request the Government of India to include the planned development of Sikkim within the ambit of the Planning Commission of India while that Commission is preparing plans for the economic and social development India and to appropriately associating officials from Sikkim m such work."

आखीर मे इसमे कहा गया है .

"(c) Participation and representation for the people of Sikkim m the political institutions of India."

तो सिक्कम की जनता की आकाक्षा की पुर्ति की दिशा मे यह एक कदम है और इसी सदर्भ मे मैं यहा पर जो रेजोलूशन सिक्किम एसेम्बली ने 20 जून को पास किया था, उसके आखरी पैराग्राफ को उधृत करना चाहता हू, जो कि इस प्रकार है :

"The Assembly accordingly resolves and hereby requests the Government of India to depute immediately a Constitutional Adviser for (i) giving a legal and constitution frame work for the objectives of this Resolution, (ii) defining the powers of the Chogyal, the Chief Executive, the Executive Council and of the Assembly, and (iii) recommending to the Government of India specific proposals for further strengthening Indo-Sikkim relationship and for Sikkim's participation in the political and economic institution of of India and to appropriately association."

इस सदर्भ मे मैं एक बात और बताना चाहता हूं कि भारत–सिक्किम एसोसियेशन की

[श्री परिपूर्णानन्द पैन्यूली]

बात ससार मे पहली बार ही नही हुई हैं । इस सिलसिले मे दो मिसाले हमारे सामने मौजूद है एक तो वेस्ट इडीज की है । यूनाइटेड किगडम एक्ट (वेस्ट इडीज), 1967 के मुताबिक छ आइलेडस उस की एसोसियेट मेम्बर्स बनी जिस मे कि डिफेन्स और एक्स-टरनल एफेयरस के जो मामले थे वे यूनाइटड किगडम की रेस्पोसिविलिटी थी उन की जिम्मेदारी थी और बाकी जो इन्टरनल मामल थे उसमे वे स्वतन्त्र थे । इस प्रकार मै सिक्किम की पोजीशन दूसर दशा के सदभ मे एक्सप्लन कर रहा हू । न्यूजीलेड की डिर-डेसी कुक आइलेड्स की स्थिति बिल्कुल वही थी। जोकि सिक्किम की है । 1964 के कुक आइलैंड्स कास्टीट्यूशन एक्ट मे और 1965 मे एक सशोधन द्वारा कुक आइलेड्स ने जो रेजालूशन पास किया था, मैं उस को उधृत कर रहा हू ।

" to discharge the responsibility for the external affairs and defence of the Cook Islands "

यह उसके कोटेड वर्डस मैंने दिये हैं अब मैं अन्तर्राष्ट्रीय कानून के विशेषज्ञ श्री केलसन हैं, जिन्होने "प्रिसिपिल्स आफ इन्टरनेशनल ला" किताब लिखी है, उसमे से सैं कोट कर कर रहा हू ।

I quote from the book, Principles of International Law"

"Sikkim furnishes an example of a State conferring upon another State its whole competence in international affairs"

इसलिए यदि एक राज्य अपने सारे अधिकार दूसरे राज्य को दे देता है , तो सार्व-भौम सत्ता उस राज्य की होती है इसके बावजूद भी यदि हम उसको इन्टरनल मामले मे अपने प्रशासन को चलाने मे सहायता देते है, तो उस मे किसी प्रकार का अन्तर नही आता है ।

अन्त मे मैं एक बात और निवेदन करना चाहता हू । कुक आइलेडस की जो स्थिति थी, उससे भिन्न यहा पर स्थिति है इसलिए कि उन्हो ने वे अधिकार न्यूजीलेड सरकार को नही दिये, जो यहा पर भारत को प्राप्त हैं । इसलिए मै आपसे निवेदन करना चाहता हू कि यहा पर भारत सरकार और सिक्किम के बीच मतभेद होने पर भारतीय सुप्रीम कोर्ट को अन्तिम फैसला देने का निर्णय किया गया है जो कि वहा नही किया गया था। हमारे कुछ मित्र कहते हैं कि यह एक्सपेंशेनिस्ट पालिसी है और श्री फेक अन्थनी कहते है कि इस को हिन्दुस्तान को हडप लेना चाहिए । उनका कहना है कि सिक्किम यह कहे और यह प्रस्ताव पेश करे कि वह हिन्दुस्तान मे मर्ज होगा । इसलिए दो परस्पर विरोधी बातो को मिलाना और विरोध केवल विरोध के लिए करना, ठीक नही है और मैं इस मे कदापि सहमत नही हू । इसलिए मेरा कहना है कि हमारी एक्स-पेंशेनिस्ट की, प्रसारवादिता की नीति नही है और हम दूसरो के मामलो में हस्तक्षेप नही करना चाहते हैं और नही यह चाहते हैं कि सिक्किम का कोई इलाका हम ले लें । सिक्किम का जो दर्जा है, वही रहेगी और इससे कोई अन्तर्राष्ट्रीय स्थिति पैदा होने वाली नहीं हैं ।

इसलिए इन शब्दो के साथ मैं इस बिल का समर्थन करता हू ।

SHRI SHYAMNANDAN MISHRA: Mr. Chairman, Sir, I had already dwelt on the legal and constitutional aspects of the matter at the stage of introduction. To the extent it is necessary to bring those issues again to put the matter within a perspective, I will try to do so, but at this stage mainly my approach would be from the political and the national angle in particular.

I consider this Bill to be politically unwise, constitutionally absurd and internationally suspect.

Why do I say that it is politically unwise?. It appears to me, if my hon. friends on the other side forgive me for a moment if it happens to be an uncharitable remark, to be a projection of your populist policy and an attempt at diverting attention from the mounting problems in the economic and the political fields. It also appears to me that this is an attempt at rebuilding or refurbishing the image that you had for some time. The cosmetics of that image were wearing thin and another cosmetic treatment was required and, therefore, this measure has been brought in.

PROF. MADHU DANDAVATE: Cosmetic is to be used every day.

SHRI SHYAMNANDAN MISHRA: This House will remind itself that, at the time of independence also, there had been a great and vigorous demand for integration with India. Shall we lose sight of it? There was. And Sikkim happened to be a member of the Chamber of Princes. So, the special relationship that came to be established, in a sense, meant expulsion from that position. Why did we agree to that? Why did we not fully integrate Sikkim with India at that time? At that time, for all practical purposes, Sikkim was, in a sense, a part of India it was a member of the Chamber of Princes. as I told you earlier. Why did the founding fathers of our Republic think it in the national interest of India and also in the interest of Sikkim to have a special relationship between the two countries? The suggestion that is being made by many hon. members here is this: if our forefathers were not wise, is there any embargo on our becoming wise? I do not think that that is the spirit in which it should be viewed, and if there is not enough realisation of the factors which had led to this special relationship between India and Sikkim, then, to my mind, it is going to be bad for us in particular.

According to the Treaty between India and Sikkim, the Treaty of 1950, its position was that of a protectorate. And what more did the people of India want? My hon. friend, Mr. Vajpayee, and his party think in terms of complete integration with India, and that reminds me of what many a time, the hon. friends from the other side, in a very cheap way seem to suggest. They say that we happen to be of this complexion or that complexion. I ask them. 'What is your complexion now? The hon'ble Member—Mr. Vajpayee has supported you, the hon'ble Member Mr. Jagannathrao Joshi has supported you.'

Has your complexion gone wrong?

PROF. MADHU DANDAVATE: Right reaction.

SHRI SHYAMNANDAN MISHRA: Have you acquired anything of right reaction?

SHRI SWARAN SINGH: What is your opinion?

SHRI SHYAMNANDAN MISHRA: I am asking you, because these are the things which you have been purveying to the people.

Then, probably—I was not present at the time when the hon. leader of the former Swatantra Party, now BLD, spoke and I do not know for certain whether he had also accorded you their support. It appears that

[Shri Shyamnandan Mishra]

they also did; that is the national alternative that they offer. So, I want to know from you whether this support, this kaleidoscopic support that you have, redounds to the image that you have been building up in the country....

SHRI SWARAN SINGH: We want your support.

SHRI SHYAMNANDAN MISHRA: Then, some hon. Members from the other side, during the discussion, rather light-heartedly talked of some hon'ble Members speaking in favour of Chou-en-Lai and some in favour of the Chogyal. I ask you: is this the spirit in which such discussions should be viewed and such views brought to bear on the subject? Is there any hon'ble Member in this House who can attribute anything less than patriotic to us?—I challenge in the spirit in which the great leader Jayaprakash Narayan asserted the other day—if Jayaprakash Narayan turns a foreign stooge, there would be no patriot left in the country. That is not the spirit in which such important subjects should be considered and it is wrong for any one to attribute motives to hon'ble Members on this side.

May I ask you—who has kept Chogyal? The Chogyal was kept by our national leaders who founded the Republic and if the Chogyal has been kept even now, it is by the Prime Minister of India. Let her turn out the Chogyal if that is in the interests of the country and of Sikkim. Who has kept the Chogyal? Why do you want to tell us that we are speaking in favour of the Chogyal? None of us is going to shed a tear for him. But as it was incur national interest, you had kept him and the founding fathers kept the Chogyal in that position. Now, in your cheap populist way you want to decry all that has been done by the founding fathers of the Republic. You do not realise this that if you decry the founding fathers, the day is not far off when the entire population of India will decry you in many ways. Therefore, let us not say anything about the Chogyal, Chou and others being supported here.

Now, Mr. Chairman, I would most humbly beseech the House to consider that you have Sikkim as a protectorate; you have the responsibility for its defence, the responsibilities for its external affairs, for its communications—they have no separate currency and you have got many of the offices of the Government of India, the CPWD, the Border Roads Organization—all of them located in Sikkim. The only thing that you want to advertise and which my hon. friend, Sardar Swaran Singh, tries to deny is that you have now brought about the integration of Sikkim with India as our Jana Sangh friend wants it to be or my hon. friend, Shri Frank Anthony advocated. That is what you want to advertise.

Otherwise, you are creating a a problem where there was none, a problem both for India and for Sikkim. Where as the problem if Sikkim wanted to get more help?

Please do not look at me. I want to speak much longer.

MR. CHAIRMAN: It is not possible.

SHRI SHYAMNANDAN MISHRA: Then, I would like to be cut short and asked to sit down even now. This is a subject on which we cannot express our views in a few minutes.

If Sikkim wanted to get aid and assistance, what was the obstacle in according all kinds of aid and assistance to Sikkim? Was there any obstacle? I ask you. Can you point out a single obstacle coming in the way of all possible assistance being extended to Sikkim? The interests of defence are common, the interests

in the field of external affairs are common; was there any difficulty coming in the way? Was there any such difficulty in the matter of fulfilling these interests? So, my humble submission is, you are creating problems where there were none.

Therefore, the question of Constitutional irregularity becomes very important indeed. That is to say, when we say, no one who is not a citizen of India can be allowed to sit in this Parliament we are not only taking a legalistic view. Perhaps that was sought to be made by my hon'ble friend the Minister of External Affairs when he said this was not a legal or Constitutional problem; thereby, by a sort of, implication, he meant, it was a political problem. That is what you want to be advertised to the wide world—it is a political problem. Now perhaps, they are probably rehearsing what they want to be done in respect of Jammu and Kashmir. Can this honourable House forget that Sheikh Abdullah has hestitated to call himself a citizen of India. Even now one cannot say with certainty that he has admitted to be a citizen of India. Here is a clear example. I ask you: Where are you going? Pause and think for a moment; don't be driven by the present leadership in the manner they are trying to Sheikh Abdullah even now....

SHRI PARIPOORNANAND PAINULI: He has categorically said very recently.

SHRI SHYAMNANDAN MISHRA: Never. Perhaps you are rehearsing the situation which you want to evolve in Jammu and Kashmir. This is the position; this is the genuine doubt or fear in this country.

Is it difficult to understand that it militates against the unity of India, the cohesion of India? The concept of our 'Federation' is one of unity and cohesion. What you are seeking to do is to introduce the concept of 'association'. Mind you, not 'federation', but the concept of 'association'. I ask you: Why should not other units also aspire to that very status? Of course that depends on the wisdom of those units, but my point is, there is no bar now because the floodgates are wide open. Any unit can very well aspire to that status because there is now this particular constitutional arrangement for it, the constitutional sanction for it. So, I say, the federation is now being turned into an association.

And therefore I contend that this militates against the concept of the unity and cohesion of the Federation of India and this certainly opens up the Pandora's box of fissiparous and centrifugal tendencies.

We have lulled ourselves into a kind of belief that many of the fissiparous and centrifugal tendencies have died down. Please do not be complacent on that account. It has, therefore, been rightly pointed out, and I would also like to emphasise that it is politically unwise and populist and constitutionally absurd. To carry on a mischievous propaganda by your radio and television against the opposition harms the politics of the country.

You are going to encourage by this step the fissiparous and centrifugal tendencies in the South as well as in the eastern parts of the country—Nagaland and Mizoram. Who would be responsible for this? It is this Government which is going to be responsible for it because it is now encouraging those tendencies.

Now, you have been stressing that our Constitution is dynamic. You have been expatiating in a most lyrical or rhetorical fashion on the virtues of flexibility of our Constitution. Indeed, dynamism of the Constitution means no fixed framework! It can be torn to shreds so that it can fly into the air and become more dynamic still! Is that the idea? If that is the idea of the dynamism of the Constitution,

[Shri Shyamnandan Mishra]

that means there is no fixed framework of reference for us. You are now loosening the Federation of India—let us make it quite clear to the people of India. One hon'ble friend said that there is bound to be a propaganda in that area against us. I have no doubt that this Government would not try to turn this into a colony—that is a colony of India. But what is happening even in Bengal? There are many political elements there who say that Bengal is a colony of the rest of the country.

Again, we have been told that this is being done in response to the basic urges of the people of Sikkim. I ask you: whether the basic urge is for more freedom or less freedom, for more autonomy or less automony. If that is your understanding of the basic urge, then I think you cease to be a political being. In this country also you see that the States want more and more powers from the Centre. If you think that in Sikkim there would not be any political element who would mount an agitation or propaganda against what they would wrongly call the newly forged tie of slavery or colonialism, you are deluding yourself. Whatever may be your failings, I hope you would easily not do this kind of thing. You have a heritage which you can't give up. Yet, as I said, even in Bengal, in some of its areas, some people say that Bengal has become a colony of the rest of India.

What does the Preamble say? It proclaims the ultimate sovereignty of the people.

Now, may I take you to a cartoon by Abu? You say that you are responding to the urge of the people of Sikkim. But, what does Abu say? When we have too much troubles already, why have you chosen to call it a democratic urge? 'promise this will be the last democratic urge'. To repeat when we have too much troubles already, why have you chosen to call it as a democratic urge? That cannot be done in this way.

SHRI S. M. BANERJEE (Kanpur): Then, what is your suggestion.

SHRI SHYAMNANDAN MISHRA: This is *ultra vires* of the Constitution. I cannot, for a moment, reconcile to the view that it can stand a judicial scrutiny. We know what is the judgment in the fundamental rights' case. What does the judgment say?

SHRI JAGANNATH RAO: Amend the Constitution.

MR. CHAIRMAN: Please do not interrupt him.

SHRI SHYAMNANDAN MISHRA: What I am trying to establish is .. You are a lawyer. Why don't you listen to me?

सभापति महोदय : मिश्रा जी, आप उन की तरफ ध्यान न दीजिये ।

श्री श्याम नन्दन मिश्र हम तो कर-बद्ध प्रार्थना करते है कि हमारा मरक्षण कीजिये ।

सभापति महोदय वक्त बहुत कम है, आप जल्द खत्म कीजिये ।

SHRI SHYAMNANDAN MISHRA: So, Sir, I would submit that this is a clear verdict in the fundamental rights case that Parliament has got the right to amend the Constitution but it cannot change the basic structure and framework of the Constitution. That is the verdict of the Supreme Court.

It is *ultra vires* the Constitution if you amend the framework and the basic structure of the Constitution. It subverts the nature of the Federation and then Preamble. At present the Preamble reads:

"We the People of India having solemnly resolved .... do hereby

adopt, enact and give to ourselves this Constitution."

Now, how is this Preamble going to be worded:

"We the People of India and Sikkim...."

This Constitution has not been given to them and, therefore, I do not know how the two jurisdic persons are going to be combined.

Then, Mr. Chairman, the impression has gained ground that there have been some exogenous forces at work to bring about this change. If that is so—it may be wrong—then you are going to turn Sikkim into a centre of international tensions We were told some time back that there was no adverse reaction in any of the neighbouring countries or in the wider international community. There are some people who in their inimitable courage say you do not have to care for international reactions. It may be that they are more courageous than us. But we do live in an international community and a country like India cannot but take into account the international reactions. And what we find today is that what the hon. Minister for External Affairs told us was not right.

Therefore, I make these submissions considering all these aspects. It is not that we want to come in the way of the realisation of the aspirations and basic urges of the people of Sikkim. we speak as persons who can read the future. May be for the time being you might be able to make your views prevail but in the not too distant future the basic urges, unmistakably would be found to be in the direction of agitating against the kind of tie that you are trying to establish while you are doing infinite damage to your Constitution....

AN HON. MEMBER: What is your suggestion?

SHRI SHYAMNANDAN MISHRA: From the very beginning I have arguing that the kind of maturity and balance that had been displayed by the architects of our Republic is the maturity and balance that was expected of India even at this stage. History will record it that India was found failing because of a leadership which believes in cheap gimmicks and is trying to refurbish its image artificially which had gone down domestically very much.

SHRI B. K DASCHOWDHURY (Cooch-Behar): Sir, I do not find there is any basic disagreement about this Bill from the Members of the opposite side also. But, Sir, I find that there are certain difficulties of understanding the problem as it is.

The main argument which has been put forward by the hon. speakers just before me, is in regard to the associate status being given to Sikkim as proposed by the Sikkim Assembly. Secondly, Sir, hon. Member Mr. Mishra said, in the last sentence of his speech that maturity was expected of the Government that they would come forward with the Bill, which might not have international repercussions. In the process, Sir, he explained the whole situation in a manner that if there has been complete integration, the spirit of the Constitution would have been maintained in tune with the been maintained in tune with the Preamble and other aspects. He also said at the end that we have not only to consider whether there is scope for complete integration or complete merger or annexation, but we have also to consider about the international reactions and repercussions. He also said that though some Members spoke very highly, they did not consider what might be the repercussions, but, 'I feel, being a member of the international community', Mr Mishra said 'we shall have to take this into account'. Sir, let me answer this, particular point. At one stage of his argument, he said that it would have

[Shri B. K. Daschowdhury]

been better and it would have reflected mature thinking on the part of the Government if they have come up with a proposal to have complete identification and integration with India and he said, at the beginning that as a matter of fact, Sikkim was a part of India. We are making certain arrangements. What is wrong? In the end, he contradicted his own statement by saying that it would create international repercussions.

Therefore, the main question is, to what extent, we are abiding by these principles or the basic postulates of the Constitution that in India, there shall be States which are integral parts. Sir, the principle of federality is not to be found in any political text-book. It is a process of evolution. It is a process of thinking from time to time and it is this process that is established and we have certain codified rules and regulations. Does it mean that the principle is not subject to any change from time to time? It is very well said by the hon. Minister of External Affairs while initiating the discussion and moving this particular Bill that it is a new concept altogether. What is the new concept? Though we are in a Federation with this unitary bias, for certain special arrangements and exigencies of the circumstances and to fulfil the desire, the realisation of political thinking of the people of Sikkim, we are evolving certain new ideas or having some new arrangements. If we do not do that, what will happen? As some of the speakers from our side have elaborately suggested, we are completely bound in our tripartite agreement, between the Government of India, the political parties representing various sections of the people of Sikkim as well as the Chogyal as the Head of the State that we must see to the fulfilment and realisation of their political aspirations and urges. We are bound to do that. What are we doing? We are doing what has been agreed to; nothing more than that. If we go through the Tenth Schedule, have we added any word more than what was contained in the agreement of 1973 or in the Act of Sikkim 1974? It is the expressed desire of the people of Sikkim who want to be associated more and more with the political institutions in India. What is wrong? These members ask: if subsequently certain other political persons in Sikkim come forward and say: we do not like this association with the Indian political institutions, what would happen? That is the question asked. The only answer is this. It has been specifically stated here that it will be India's responsibility to maintain defence, external affairs, welfare and well-being, financial institutions and all other things. The moment it is found, I must say that it is the responsibility of the Government of India to see that the constitutional provisions are being properly maintained and are being implemented from time to time. If we find that due to certain circumstances the constitutional provisions are not implemented, the Government of India will go by the articles of the Constitution. I am not disclosing it here. If the provisions are not properly implemented, the Government of India will certainly take special powers in their hands and take up that matter. Whether the people of Sikkim will have any right to pass another resolution against the resolution that had been passed under which this Bill has come; that question does not arise at all.

Mr. Mishra also said: What is the complexion of this Government? What is the basic philosophy of the Government? They are changing the Constitution on this line. The policy of the Government is for the furtherance of democratic socialism, friendship, co-operation and co-existence. This Government will strive from time to time wherever it is necessary. Even in the case of Bangla Desh, for democracy and socialism the Government did not hesitate for come forward at the time of need. Here also for furtherance of democracy and for the

establishment of socialism and friendship and co-operation and co-existence to have better tie, it was necessary to make such constitutional enactments to give full realisation to the wishes of the people of Sikkim. I fully support the Bill and I feel that of all the things that the Minister of External Affairs had done, this one is the best and he must be congratulated on this Bill.

SHRI SAMAR GUHA (Contai): In this House I and my party have had to face on rare occasions such a dilemma whether to support the Bill or to oppose it. Brought up in the nationalist tradition with patriotic fervour we never viewed Sikkim outside the fraternity of Indian people. Historically, even from ancient days, during medieval days, British days Sikkim was in the politically, culturally, economically almost—why almost—almost whole was part of the fraternity of the people of India. Perhaps we would never have had to face this problem if the founding fathers of our Constitution had shown certain wisdom to accept the demand of the people of Sikkim for its accession to the Indian Union at the time of framing the Constitution. That was the most opportune moment. Some Members said that in their wisdom our founding fathers did not accept the demand for accession of Sikkim to the Indian Union.

I do not know what was the reason for that, because no other State except Sikkim which belonged to the Chamber of Princes was left out. About 150 miles downwards of Sikkim, Cooch-Behar was integrated. More or less, the Cooch-Behar people are also Mongolian—in characteristics in many ways.

SHRI B. K. DASCHOWDHURY: On a point of order, Sir. The hon. member has made a mistaken remark that the original inhabitants of North Bengal, particularly Cooch-Behar, belonged to the Mongolian group. They are not Mongolians. If I do not contradict it, my people of Cooch-Behar will be very much annoyed.

सभापति महोदय : अभी आपके स्पीकर बोलने वाले हैं, अगर कुछ कहना है तो उनसे कह दीजिये वह कह देंगे । इसमें कोई प्वाइन्ट आफ आर्डर नहीं है ।

SHRI SAMAR GUHA: Even Bengalis have Mongolian blood, Aryan blood and Dravidian blood mixed together. There is continuity of mixed racial characteristics which we should understand.

सभापति महोदय : आप अपने को मेम्बर ही कंसीडर कीजिये, अगर प्रोफेसर झेंसमगें तो बहुत दूर चले जायेंगे ।

SHRI SAMAR GUHA: I was saying that when Cooch-Behar was integrated into the Indian Union, there was no justification for leaving out Sikkim. If it was integrated then, the present problem, which is almost an artificial problem, would not be faced today. I do not bother about what the Chogyal would say. In these days of fading monarchy, every monarch tries to catch hold of a straw before he is completely drowned. So, what he says need not be taken into consideration. There had been no justification for the arguments he had put forth in 1950 or he is putting forth now. I am not concerned about it. But the reason for my dilemma is this. When our country is facing a crisis internally and certain critical relations internationally, why has this moment been chosen for bringing this Bill and why is it being hurriedly rushed through? It has been sprung as a surprise on us. We do not know why such a serious Bill which will have repercussions, international as well as national, in a very fundamental way, has been brought at this moment. We have no facts whether the Government has made assessment of the international repercussions and also various reactions in regard to the concept of the

[Shri Samar Guha]

Indian Constitution. It appears to me that this concept of Associate State is nothing but a political chimera. The concept of association is alien not only to the concept of the Indian Constitution but also to the very idea of Indian nationalism.

I do not know where we stand. This concept has created such a situation for us that after the passing of this Bill, after incorporating it into our constitution, we do not know where we stand. While Sikkim will be with us, at the same time it will not be with us; while the Sikkimese will be with the Indian people, at the same time they will not be with the Indian people; while the Sikkimese in some sense will be Indian citizens, at the same time they will not be Indian citizens. They will be in this House and, at the same time, they will be outside. They will be guided by the President in crucial matters but they will not be allowed to vote for the principal functionary, who will guide their destiny in the ultimate sense This concept of political *trisanku*, neither here nor there, almost hanging in between, this concept I do not understand. The hon. Minister said it is a dynamic concept. Dynamism is motion. In which direction will it lead? There is the thrust, but in which direction will it lead to? This is the most important point to which I want to draw the attention of the House.

There is the question of internal repercussion. This Associate State is some kind of political chimera. What will be its repercussion on the concept of sovereignty, on the concept of our territorial integrity? What will be its effect and impact on the concept of Indian citizenship and on the concept of Indian emotional integration? I have a great doubt that this will open the flood-gate, rendering the concept of Indian sovereignty, territorial integrity and Indian national integration into an amorphous state. When we require more integration, emotional integration, when we require the concept of territorial integrity in a more cohesive manner, I am afraid the forces of disintegration, the forces of dissipation, centrifugal forces will be set in motion, which will have a dangerous impact, not only on the Constitution of India but on the very concept of the identity of the Indian nation. We already know that in Nagaland, Mizoram and Kashmir they are aspiring, if not for a similar status of association and at least not for integration into a full-fledged State. This kind of dangerous tendency of centrifugal forces will be set in motion by the adoption of this Bill.

We all know, every day we find in the papers that the sons of the soil theory is growing in every State. Some of the States have given directives not only to the State-sponsored certificates. We are seeing that senas concerns, trade, industry and others, that only the sons of the soil should be employed. We know that in many States, other Indian citizens of other States are debarred from getting into service unless they have domicile certificates. We are seeing that senas of different types are developing in States. The sons of the soil concept is growing in greater volume. This concept of "Associate State" will enentity of the Indian polity.

It is said that this is a dynamic Bill. But dynamism is in which direction? If this Bill is according to second law of Newtonian motion, in which direction is the thrust—is it centrifugal or centripetal?

The thrust is towards dangerous direction. There are already dangerous political forces working in India, in different parts of India, and they want to disintegrate not only the federal structure but everything. Some of these want confederal structure of our country. This will lead to a dangerous thing. There will be neither federal nor confederal structure but some kind of a loose entitty of the Indian policy.

Europe minus Russia has great affinity of the countries belonging to it. But Europe could never be one nation. It was the genius of India—it is not British people who have given the idea, the concept, of nationhood or Indian unity—it was our ancient thought. it was our cultural unity that has given that idea. Why I feel seriously concerned about this is that this will lead to a process of national disintegration. This will encourage certain forces which may, ultimately, create the forces of disintegration.

About international repercussion, I say, the time is very inopportune.... (*Interruptions*) If you want, I can discuss with you. But for the sake of national interest, I do not want to spell out what are probably the international reactions to this measure. Except one Super Power, I am afraid, the international reaction will not be favourable to us. We have seen how those who look into the Indian problems through the periscope made in Moscow had one opinion and suddenly what kind of *volte face* they underwent.

The Government have perhaps taken a calculated risk. I warn the Government that political and military—I use the word 'military'—consequences of this may not be very helpful to us I do not want to spell out that. I want to conclude by saying that, as we have taken a calculated risk, we are not going to satisfy any international opinion Why are you endangering our concept of national unity. our concept of territorial integrity and our concept of sovereignty? Even if you have taken a calculated risk. what is the result? Even then, it is a half-hearted attitude of the Government.

I say, if you have taken the risk, the risk should have been, not on the concept of associate membership of any other State, but to make it another State of India. Already, we are giving certain special facilities to Sikkim. We have given special employment facilities; we have given facilities in the matter of planning and all that. Just only to maintain a special cultural identity of Sikkim, India has taken a calculated risk which will not satisfy any of the countries of the world. Why are you opening the flood gates of forces of national disintegration? I demand that Sikkim, with certain special status for maintaining their cultural identity, should be the 22nd State of India and it should be incorporated in the First Schedule of the our Constitution accordingly.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar): Mr. Chairman, Sir, this is one of the most historic and important measures that our Government have taken in recent times. I was thinking that, perhaps, the whole House would have accorded quite a good welcome to such an historic and important measure. But it is very unfortunate that, during the last many years, whenevery any important change, politically or economically or socially, has been brought about by our Party and our Government I find that every time the name of the Constitution has been brought as if it does not allow any change to be made. Here I must submit that our Constitution is not a Constitution to block the way for any change that our country, our society, needs; it permits and welcomes any change that our Party, our Government, and the people want to make. My friends on the Opposition are unnecessarily bringing in the name of the Constitution whenever any change takes place. They think that it is a populist slogan, because they know that the people will accord full welcome to the change. I have no doubt in my mind that the great people of India and the great people of Sikkim together will celebrate this historic measure that we have taken during the last 25 years.

Here I would like to bring this to your kind notice. One writer has said. 'Ideas have their logs'. In the last few years, after the birth of the People's

[Shri Chintamani Panigrahi]

Republic of China and the collapse of the Tibetan buffer system which was in the border, the Himalayan border region has become a live border. There is a confrontation between the two systems: one system is on this side, the democratic socialistic system that we have, and on the other side there is another system. The great and heroic people of Sikkim, during the last 25 years, were trying to have a democratic structure in their country and, between these two systems, if they have desired to associate themselves with that friendly country which values their system, their values and their aspirations, I hope, they have done it rightly. And it is the duty of the Government of India to accede to their wishes, and that it what we are doing today. Therefore, I do not find anything objectionable in this.

I take this opportunity to salute the great people of Sikkim who have tried to dethrone the feudal system. In this country we have abolished the Privy Purses and the system of Rajas and Maharajas. It is quite good that the people of Sikkim also want to abolish the feudal system and want to set up a democratic system. Therefore, I salute those great people of Sikkim

I also take this opportunity to congratulate our Party and the Government and the leadership. At the time when the great people of Sikkim expressed their urges and aspirations and wanted to associate themselves with the democratic institutions of our country, it is good that the Government of India have decided to respect their wishes and accommodate them.

Geo-politically, the Himalayas today form a kind of junction between the two great Asian land powers. I feel that, perhaps, this decision has been taken a little late. I should have thought that it should have been taken a little earlier because during the last 25 years many important and thorny problems in the East, West and North were crying for immediate solution. But somehow or other, they were being delayed and postponed. I am happy, and I congratulate the Government, that during the last 25 years many of the important problems in the East, West and North are being solved, and I hope that this is one such step that the Government has taken. When a new wind is blowing over the Himalayan borders, when a new wind is blowing for the last so many years and the poeple of Sikkim want to have democratic structure and associate with us, associate with the great people of India, have the great people of Sikkim done anything wrong or have we done anything wrong in responding to and respecting their wishes and desires? That is what we have done.

As you are looking at me, perhaps you think that the time is up.

SHRI P. K. DEO: How can there be a marriage between a monarchy and a republic?

SHRI CHINTAMANI PANIGRAHI: Therefore, what we have done is that besides the Chogyal in Sikkim, we have accepted the suzerainty and the great desire of the people of Sikkim and the desire of the major party of Sikkim So long, the Government of India were having discussions with the Chogyal. But the people of Sikkim want that they are a party and they should be a party to the agreement. To-day, therefore, there are three parties to the agreement—the Government of India, the people of Sikkim and the Chogyal and we must, therefore, lend our full support to this measure.

This Bill is a most historic and important measure and I hope this will enthuse the people of India and Sikkim greatly and it will go a long way in solving the long-standing problems of the Himalayan region and the friendship between the people of India and Sikkim will endure for ever.

SHRI IBRAHIM SULAMAN SAIT (Kozhikode): I am very thankful to you for giving me this opportunity to speak on this very crucial and historic Bill this is before the august House today. I call this Bill historic and crucial because it seeks to deveop a new concept of an associate State. So far such a concept which we now desire to develop will be against the ideals and spirit of the founding fathers of the Constitution because our Constitution was envisaged to be a well knit federation. But so far as the constitution is concerned, I know it is nothing rigid. It is a flexible constitution and wherever we desired progress and wherever we desired new ideals, we did not hesitate to amend it in keeping with the trends of the times. But what I feel is that inherent cohesion of our Constitution should be maintained.

So far Sikkim was a protectorate and we had a limited responsibility in regard to defence, communications, external affairs and maintenance of law and order in that country. But, now, to-day, democratic institutions have been developing in Sikkim. After this democratic urge, there is a feeling and desire to have a greater, stronger and closer relationship with our country and now this desire has manifested through the Sikkim Act passed unanimously in the Assembly and when this Bill is passed, it is envisaged that Sikkim will have a closer and stronger relations with our country. This desire has been conveyed by the Chief Minister of the State representing the feelings and desires of people there.

As I made it very clear at the outset, I am fundamentally not opposed to such a move. I would welcome it and as they are desirous of having closer relations with us, it is necessary that we should reciprocate positively. But certain things are worrying me and in the interests of the country I feel concerned about this. I would like to have a clarification with regard to the months long discussions the Govt., of India is having with the leaders of the Plebiscite Front in Kashmir when Kashmir has become an integral part of our country. If tomorrow the leaders of the Plebisicite Front in Kashmir desire to have such a status of associate membership, what will be the attitude and the reaction of our Government? I would like to have a clarification from the External Affairs Minister on this point.

Further there are friendly countries like Nepal Will they empathetically view our attitude with regard to policy towards. Sikkim and our desire to have associate status given to Sikkim? Will not some of our friendly countries say that we are following an expansionist policy? Then what will be the answer? These are my worries. I would like to be convinced by the learned External Affairs Minister and once I am convinced I can assure you Sir, and through you to the House that once this is proved to be in the national interest we will extend our support the support of my party—Muslim League—as national interest has been a policy which has been pursued by our party consistently. I am reminded of a couplet:

हयात ले कर चलो कायनात लेकर चलो

चलो तो सारे ज़माने को साथ लेकर चलो।

With this I end my speech and hope our government will proceed up cautiously and wisely.

SHRI K. LAKKAPPA (Tumkur): I congratulate our hon. Minister of External Affairs, Shri Swaran Singh, for having brought this Constitution (Amendment) Bill to bring Sikkim, a protected country, as a member of association of the Republic of India. This is a long-range political diplomacy and sagacity and astute manifestation of leadership of this country and all these things have made this Constitution Amendment really one which is some-

[Shri K. Lakkappa]

thing very historic. The people of Sikkim in their Assembly have expressed their will and their desire to come closer to India, to build up closer relationship with our country which believes in democracy and socialism, and this will has been there with them for a long time. This is the outcome of their desire which they have been feeling for a long time. Instead of hailing this as historic, some of our friends opposite spoke from a different angle. I will not go into the legality and the Constitutional aspects. I can only appreciate the wisdom of our Government which has enabled this Himalayan kingdom to come closer to us, to establish fraternity and co-operation between us.

The Prime Minister has said something which is very important and I wish to quote this sentence.

> "The Prime Minister, Shrimati Indira Gandhi, while addressing the delegation led by Kazi Lhendup Dorji, President of the Sikkim Legislative Party, which visited New Delhi, in the second week of July, 1974, stated that it was India's policy to consistently ensure Sikkim's personality."

So this is what the Prime Minister has said. It is not at all India's intention to annex it or establish sovereignty over it. As Shri Swaran Singh has stated, this is being done in order only to build up fraternity and closer cooperation of that country with our country.

What have we established in Sikkim? We have established a democracy in Sikkim. Our relationship with Sikkim should be stronger and stronger. We would like to meet the will of the people of Sikkim. We want to establish socialism and an egalitarian society there. That is the reason why we have come forward with this historic Constitution Amendment Bill. This takes into account the desire and the inner feelings of the people of Sikkim. Sikkim wants to be represented in the affairs of India. That is the reason why this Bill is being brought forward.

I would like to end my speech by quoting what our Prime Minister said while addressing the delegation led by Shri Kazi Lhendup Dorji, President of the Sikkim Legislative Party which visited New Delhi in July 1974:

> "....it was India's policy to consistently ensure Sikkim's personality.

SHRI TRIDIB CHAUDHURI (Berhampore): Mr. Chairman, Sir, I would have been very happy to support this Constitution Amendment Bill. I regret I do not find it possible to do so. It has been stated on behalf of the Government that they are respecting the wishes of the people of Sikkim, that the representatives of Sikkim would like to have an associate status with the Republic of India and so on. The objective in brief is to establish a democracy in Sikkim.

Our Congress friends were very eloquent on the other side of the House that what we are really going to establish in Sikkim is nothing but democracy. Let us, however, be frank about it. As a matter of fact, we are only perpetuating the position of the Chogyal by sending a bureaucrat from here to do that you as the Chief Executive. This Chief Executive will only act as the President of the Assembly there but he will also act as practically as the Super Chief Minister who will have the right as a representative of the Government of India to override the wishes of the elected representatives of the people and the Council of Minister there. I need to be re-educated in politics if that happens to be our conception of democracy. I am leaving it at that. Many constitutional points have been raised here. Due to pausity of time I do not want to go more into that. I agree with the external Affairs Minister that it is an irrevocable political decision of the Government of India and so I cannot

claim that my feeble voice will persuade them to reconsider the position once again.

But I can only with all seriousness at my command utter here a word of caution The Government of India as we have seen since we got Independence have got into the habit of creating situations which bequeath consequences for us which have been almost disastrous From the Kashmir thing we may start How it was that we were committed to plebiscite? How it was that we took this case to the United Nations and we are still suffering from its consequences The Kashmir question is still hanging fire and parleys are going on between Sheikh Abdullah and the representatives of the Prime Minister We do not know when the Kashmir question will get finally solved and may be this Sikkim Agreement may yet perpetuate and prolong that problem for us in a more worse form

Then with regard to our relationship with Tibet and China We entered into a certain Agreement with the Peoples' Republic of China abrogating all the rights that we had acquired as successor State to British India and since then consequences have followed We can shut our eyes or ears against whatever the Chinese may say or do, but we cannot isolate ourselves from the present-day world and the consequences of the decisions we took in 1954 Then there are the decisions that we took in giving shelter and asylum to the Dalai Lama We are still suffering from the consequences of those decisions.

Let us again, when we adopt this Bill think—let us forget about China and Pakistan—about Nepal and Bhutan We have revised our Treaty with Bhutan and Bhutan is today a full Member of the United Nations Their susceptibilities will be aroused surely and have already been aroused and I say with all seriousness that you may put up a brave face and say that we do not care what the Nepalese might think or the Bhutanese might think, but let us not forget in Nepal there was a popular democratic movement some years back and we wanted to support it But what has happened to that? The people of Nepal were assured that they would get the support of the great democratic people of India and what has happened! Is it not a fact that even the Prime Minister of India had to run to Kathmandu and Kow-Tow His Majesty the King of Nepal, to assure him that we would not do so So, let us not therefore put up that brave face today that we do not care what Nepal or Bhutan says

This Bill will be passed There is no doubt about it But let us consider very seriously what will be its consequences I hope the Government must have taken all these factors into consideration and will assure the House that the apprehensions which I have expressed are baseless but if we look to the past experience they are not baseless There is yet time Let us consider very seriously and see how best we can allay the susceptibilities that will be inevitably aroused

I need not again refer to the fissiparous tendencies within the country that will get encouragement from the passing of this Bill Today, Mr Anthony has made an eloquent reference to it Our friend the Jan Sangh Member Shri Jagannathrao Joshi also made a reference to it Just reconsider what precedent you are establishing what precedent you are creating and let us also be reassured that at least with regard to the current Kashmir parleys, that the Sikkim precedent will not be allowed to be followed and established

SHRI P G MAVALANKAR (Ahmedabad) Sir, at the introductory stage, I had raised some objections (*Interruptions*) I had raised certain objections at the introductory stage It will be unfair if I am not given a chance to express myself a little more adequately and briefly.

AN HON. MEMBER: Mr. Frank Anthony has already spoken on this.

SHRI P. G. MAVALANKAR: I am not bothered whether he has spoken or not. I am here on my own.

I will be very brief.

MR. CHAIRMAN: Please conclude within two minutes.

SHRI P. G. MAVALANKAR: Mr. Chairman, Sir, I am indeed grateful to you and this hon. House for giving me a few minutes and I shall strictly speak within the limit of those two minutes. Sir, I am striking a little divergent or a different note on this Bill, and therefore, I thought it my duty to express my views frankly and briefly. Sir, I had already raised some objections at the introductory stage. I need not repeat them. But, Sir, the two issues should not be and need not be mixed up. We are all for better and more intimate relationship with Sikkim and indeed with all neighbouring countries; neighbouring regions. But, to say that we want better relationship does not mean that we accept the kind of Constitutional arrangement which has been provided for in this Constitution Amendment Bill. This is my point.

Sir, the hon. Minister of....

(*Interruptions*).

If you do not interrupt me, I will literally finish in two and a half minutes. If you interrupt me, then, I will take another two and a half minutes!

The Minister of External Affairs, my esteemed friend, Shri Swaran Singh, in his earlier statement admitted that a new concept was being introduced in the Indian Constitution. Now, as a student of politics and as a student of Constitutional affairs, I will be the last person to say that our Constitution is rigid and that it cannot be changed. Ours is a democratic Constitution and we have a right to change it. My point is, are you really changing it with a view to enhancing the basic values and tenets that are enshrined in our Constitution? This is my question. Therefore, I would request the hon. Minister, understandable as he is, amenable as he is, to explain at least briefly what this new concept is all about. This new concept of creating an associate State or a part State for the partial purpose of providing inadequate and unequal representation in Parliament, in our democratic institutions, is something which I am unable to accept and understand. I do not know why we are also enthusiastic about owning Sikkim as it were. Could we not have a proper and more intimate relationship with Sikkim, even without this strange Constitutional marriage between Sikkim and India? We are mixing up association with federation. This is my complaint and grievance.

Lastly, if you say that giving effect to the wishes of the people of Sikkim is important, what about the wishes of the people of India? Have they been ascertained and have Government the right to play with and twist the basic law and the basic Constitutional scheme and arrangement that is enshrined in our Constitution?

Then, again, if Sikkim had decided to have this kind of association with India, is it going to be a sort of some unilateral decision? Is it going to be a one way traffic? Is there any possibility that this particular scheme which is being enshrined in the Constitution amendment Bill will at a future date be changed because the Sikkim people want a different arrangement? We are all agreed that the distinct personality of Sikkim must be maintained, but we have also a legitimate concern for the Indian Constitution and its special characteristics. This is not a simple measure. It is deep and disturbing, and, if I may say so with all humality, doubtful implications as well for India's constitutional and democratic polity. It is only from this angle that I take

this opportunity of expressing a divergent view. I am grateful to you, Sir, and to the hon. Members for bearing with me for a few minutes.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): I will be brief in my reply because many of the points that were raised by the hon. Members who differ with me in relation to the Constitution Amendment Bill had been replied to very effectively I believe by hon. Members both from this side and from the opposition side, who lent their powerful support to this Bill.

19.32 hrs.

[SHRI DINESH CHANDRA GOSWAMI *in the Chair*].

I am glad that we have discussed the Bill in our usual characteristic vigorous manner and if I may say so, the voice of dissent that had been raised will strengthen the basis of this Bill, when finally Parliament approves this Bill and enacts it into a very important amendment of our Constitution.

Certain points were raised by hon. Members opposite who supported the Bill and because I will be getting their votes it is my duty first to satisfy them about the doubts that are in their minds. One point that was raised by more than one hon. Member was whether this new element that we are introducing in our Constitution, the new concept of Associate State, will create any urge among other constituent States of our Union and will they move in that direction? The reply is quite simple. None of the constituent States of ours are in the position of Sikkim. Sikkim today has no relationship of a constitutional character in which the other States are bound with us. If a question had been asked as to whether any other State which is in the position of Sikkim can also be granted this status, I could understand the relevance of that. Could a constituent State of India at any time claim the status which is being given to Sikkim which is at the moment not in the position of any of our constituent States? The reply is quite simple. None of our constituent States will ever have the urge; I am sure that no Indian Parliament will ever agree to reverse the process of evolution we have been developing in our Constitution to bring about greater cohesion in our country. The reply is quite simple. If I may say so, even this step is in the direction of adding a new dimension, a new element to that spirit of attracting rather than creating any centrifugal forces The fact that a certain entity which at the moment has no connection is now forging a tie—according to the judgment of some people—will it urge those already merged to ask for a half status? This is impractical and at any rate that is not our stand. I want to make that position quite clear.

The other point raised is whether this has any relevance at all with regard to the talks that are taking place at the moment at an informal level with Sheikh Mohammed Abdullah and other leaders of Jammu and Kashmir. This has absolutely no relevance. Jammu and Kashmir is an integral part of India and there is no question of converting that status which might in any way weaken the link that is already there. The reply is simple and my surprise is that any doubt should have been raised on this score.

So far as Mizoram, Nagaland, etc., are concerned, they are very much a part of India and I would appeal to these well-wishers of the idea of unity and integrity not to put any new ideas in the minds of people who themselves are not demanding it. I am glad I have this opportunity of reiterating our stand in clear and categorical terms in this respect.

Another point has been raised saying, "You are now taking this step of amending the Constitution. What will happen if at some later time the Assembly passes another resolution?" We are considering a very serious matter, namely, the Indo-Sikkim relationship. The Constitution of Sikkim was unanimously adopted. In pursuance of

[Shri Swaran Singh]

that, they made a request to us that we should give them representation in our Parliament. We accept their request. As a result of that, we are taking this step of amending our own Constitution and we are granting that right of Parliamentary representation to them. It is an elementary principle that governs such relationship that anything which is the outcome of a solemn proposal made to us and accepted by us and implemented even by amending our Constitution, cannot be amended unless both parties agree to it. My reply is quite simple that this type of relationship which we are now developing cannot be unilaterally altered. It is a sacrosanct relationship that has emerged.

SHRI SHYAMNANDAN MISHRA: If they simply refuse to send their representatives to Parliament, what can you do?

SHRI SWARAN SINGH: If the members of any State Assembly in India do not cast their votes and do not send their representatives to Rajya Sabha, they will be the sufferers. What can you do? I want to make the position clear. For one thing, it is a hypothetical question. Our relationship with Sikkim is based on trust, support and respect for their aspirations. One of the items in the manifesto on the basis of which the election was held was to seek democratic institutions inside Sikkim and also to forge closer ties with India.

This was their manifesto on the basis of which they fought their election and won the victory. In pursuance of that, to implement that provision in the manifesto, they adopted the Constitution. Later on, they made a formal request to us, and based upon that we have made a response and have extended to them the privilege of being associated with our Parliament, the Lok Sabha and Rajya Sabha. Therefore, we are amending our Constitution. We should not treat these processes with any measure of either levity or lack of seriousness. This is a very solemn decision that both Sikkim and India have taken and this is now enshrined in our Constitution. I want to make it clear that this can be altered only by mutual consent and to the mutual advantage of the two sides, and no side can unilaterally after this relationship.

19.41 hrs.

[MR. SPEAKER *in the Chair*].

Another fear has been expressed that this might encourage fissiparous tendencies or that it might generate some sort of centrifugal tendencies. I do not see the validity of this argument. I know, of course, the views of Shri Anthony, with which I am familiar because both of us have been together in this Parliament for a long time. I know his views, which he expressed very strongly, when we were reorganising our states on a linguistic basis. But the Parliament in their wisdom came to the conclusion that a stage had come when the aspirations of the linguistic groups in our country had to be respected. Therefore, we decided to reorganise our country on a linguistic basis. I know that he was not in favour of that. Now he is citing that as a step which was taken with Parliament's support and which, according to his judgment, was not a correct decision. It is a matter of opinion. We think it was a correct decision which has added to the understanding and cohesion in the country and it has also given those linguistic groups ample opportunities to march forward on their road of development, progress and growth. So, there can be difference of opinion on that. What he cites as something which he continues to consider as objectionable. But this is not the experience either in those States or in this Parliament.

These are the types of objections from one side. From the other side of

the spectrum the allegation against us was that what we are doing is either annexation or merger, whereas some other hon. Members who participated said that what we are doing is nothing, if we want it we should go in for a clear merger and that we should not stop midway.

My reply to the friends on the extreme left, who also now happen to be the largest group sitting in the opposition, is that their reading of our amendment is absolutely incorrect. We are still preserving the distinct personality and identity of Sikkim. They in Sikkim have got their own Constitution and their own systems Therefore, we are not either merging them or annexing them. I know that this will be picked up by those countries which are critical to us and they will say that some hon. Members have pointed out that this amounts to annexation or merger. Therefore, it is very necessary for me to say categorically that there is no merger or annexation. We already have certain obligations that we owe to Sikkim, to look after their external affairs, communications good government and defence

It is of importance that the Hon. Members on the extreme left did not contest this position They said this is all right; this should continue to be done

What we are doing is that in the highest policy-making body, as I said earlier also, that is in Parliament, where all these questions are discussed, they will have an opportunity of expressing their view-points. They will have an opportunity of influencing the opinion here, even in the conduct of our policy and our action which we are bound to take and discharge as an obligation to them even on the three subjects about which the friends of the C.P.M. are also agreed that this should continue to be done. By this amendment of the Constitution, we are giving them the right to be present here in our midst and have an opportunity of influencing Parliament and public opinion. This is something which we are giving them as a concession. That does not amount to either merger or accession.

Then, some objections were raised not only by the extreme left but also by several other hon. Members who criticised the Constitution of Sikkim and said that it does not appear to be truly democratic. I do not want to join issues with this. In fact, I will hesitate to discuss the Constitution of Sikkim in this House because it is their privilege, it is their right, to have a Constitution which they want to adopt We may have our own views. But I would appeal to hon. Members that consistent with the very fine principles that we have always upheld, namely, not to interfere in the internal affairs or the internal political or economic institutions of another party and leave them to decide about their Constitution. This is a golden principle which we have followed

I would like to remind the House that this policy has yielded dividends. Whether it is Nepal or Bhutan, whether they have kings or some other political system, we have never done anything to criticise their system. We have never tried to criticise them for their own political systems. That is not our way of dealing with our neighbours But we have tried to strengthen our relationship with those countries

On our East we have Bangladesh which very fortunately for us is not only a friendly neighbour but a country which follows a democratic system, a parliamentary system, more or less like ours We have excellent relations with them. Then, a little further to the east, we have got Burma. They have their own political system. It is not similar to ours. They have one-party system under the leadership of U Ne Win who is no longer

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Gen. Ne Win. He is now the civilian head of their Government having been elected as the Chairman of their one-party system. Then, we have got Sri Lanka which has got a system which is like ours.

Whether it is kingship in the north, as in Bhutan or Nepal, whether it is a democratic system, as it is in Bangladesh or Sri Lanka; or a one-party system as it prevails in Burma, or whether it was even the military dictatorship under President Ayub in Pakistan; we have considered this to be their concern and we have been prepared to deal with them without criticising their internal system, whatever may be our own views with regard to that.

Take, for instance, the case of Afghanistan. There was at one time the King of Afghanistan. We had excellent relations with the King of Afghanistan. Now, they have decided to declare that Afghanistan is a Republic. Our relations are even stronger with the new Republic of Afghanistan.

What I am trying to submit for very earnest consideration of the hon. Members is that we may have our own views about the Constitution that has been adopted by Sikkim. If we were to re-write the Constitution, I do not know what would have been our attitude. It is wrong to say that because there was an Indian draftsman, he has imported any ideas there. It is true that there was an Indian draftsman. But he was an expert to help them. The legislators of a country might take expert advice on drafting. But it is the will that is expressed by the elected representatives that he is to translate into action. Take, for instance, our own Constitution. It is your decision that matters; the draftsmen do not come in....

SHRI NOORUL HUDA (Cachar): Why did you put on Indian executive officer over the head of the Sikkimese legislature? Why do you retain the post of Chogyal?

SHRI SWARAN SINGH: I am glad he has asked this question. What we are doing is that we have decided to respect the wishes of the elected representatives of Sikkim. If they want to have the Chogyal, it is for them to decide. If they want to have a particular system of Government, it is for them to decide. In fact, you are making me now to force our will. At the same time, you are also criticising me that we are forcing our will and are trying to annex Sikkim. There is a dichotomy in your thinking, if I may say so. We should resist that temptation of having a finger in their affairs; we should not have this temptation to criticise them. I would appeal to the hon. Members that we should not re-write their Constitution for them, we should not criticise their Constitution, we should confine ourselves to the discharge of the obligations that they, in their wisdom, have chosen to entrust us with. By this amendment, what we are asking is not creating any new situation in the bilateral relations between the two, but this is only an opportunity that we are providing them to be represented in Parliament; this is the sum and substance of the present Constitution (amendment) Bill.

It has been mentioned that the original Indian concept of a federal structure with a bias towards unitary system is sought to be changed. I do not see any change in that respect. All these States which are in the federal structure with the so-called bias towards the unitary system are still bound by the same system. To this family there is another who is coming, though in a somewhat lesser form. To oversimplify it, if

the total distance is 100 yards, he has chosen to travel upto 40 yards; and what you say is that, unless he comes the full 100 yards, you would push him away 100 yards I would appeal to the hon. members that we should judge this by the reality of the situation. It is a very welcome step which they have taken to express a desire to participate in our political and economic institutions. Let us not forget that, for the Sikkimese, this is the first ever election that has been held. They are still discovering their feet and our wishes are with them for strengthening the democratic processes and establishing good conventions there, and I am sure that, when they sit here, they will imbibe all the vigour which, of course, is provided more by the Opposition than by us these days and will greatly benefit by our functioning and will be able to handle their problems in a proper manner, besides making contribution to our democratic processes

I would, therefore, appeal that now even for those who have expressed a dissenting voice, the stage has come for an ultimate verdict I hope there will be a unanimous support for this Bill.

SHRI KRISHNA CHANDRA HALDER (Ausgram): I would like to know from the Hon. Ministers if the Sikkim Assembly decides to withdraw their representatives from this Parliament, what is the position?

SHRI SWARAN SINGH: I have replied to it already.

MR SPEAKER: Now, before I put the motion for consideration to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by Division.

Let the Lobbies be cleared—

Now, the question is:

"That the Bill further to amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship, be taken into consideration"

The Lok Sabha divided.

Division No 19] [20.03 hrs.

AYES

Achal Singh, Shri
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri

Babunath Singh, Shri
Bade, Shri R. V.
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.

Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Buta Singh, Shri

Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chhotey Lal, Shri
Chhutten Lal, Shri
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque

Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharia, Shri Mohan
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dumada, Shri L. K.
Durairasu, Shri A.
Dwivedi, Shri Nageshwar

Engti, Shri Biren

Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Gangadeb, Shri P.
Garcha, Shri Devinder Singh
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan

Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M M.

Ishaque, Shri A K. M.

Jadeja, Shri D. P.
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Joshi, Shri Jagannathrao
Joshi, Shri Popatlal M.

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.

Kailas, Dr.
Kakoti, Shri Robin
Kale, Shri
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
Kamla Kumari, Kumari
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kasture, Shri A. S.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shrimati Parvathi
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Lutfal Haque, Shri

Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri L. N.
Misra, Shri Janeshwar
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsm, Shri F. H.
Muhammed Khuda Bukhsh, Shri
Mukherjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.

Naik, Shri B. V.
Negi, Shri Pratap Singh
Nimbalkar, Shri

Oraon, Shri Kartik

Pahadia, Shri Jagannath
Pamuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Krishna Chandra
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Partap Singh, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.

Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhani, Shri K.
Purty, Shri M. S.

Qureshi, Shri Mohd. Shafi

Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ray, Shrimati Maya
Reddi, Shri P. Antony
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri

Sadhu Ram, Shri
Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Sathe, Shri Vasant
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Raja Ram
Shastri, Shri Sheopujan
Shenoy, Shri P. R.

Sher Singh, Prof.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Sh vnath Singh, Shri
ov'la, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S M.
Siddheshwar Prasad, Shri
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri

Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Tiwari, Shri Chandra Bhal Mani
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.

Uikey, Shri M. G.
Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari
Vekaria, Shri
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri

Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P

NOES

Bosu, Shri Jyotirmoy

Dutta, Shri Biren

Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Huda, Shri Noorul

Reddy, Shri B. N.

Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sen, Shri Robin

MR. SPEAKER: The result* of the division is: *Ayes*: 320; *Noes*: 9.

The motion is carried by a majority of the total membership of the House and a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

श्री अटल बिहारी वाजपेयी (ग्वालियर): अध्यक्ष महोदय, उन मेम्बरों की क्या स्थिति है, जिन्होंने न तो पक्ष में वोट दिया है, न विरोध मे दिया है और न एब्सटेन किया है, मगर जो सदन में सशरीर मौजूद है ।

*The following members also recorded their votes for AYES:

Sarvashri Nageshwara Rao, Maganti Ankineedu and Ram Dayal.

Clause 2 (*Insertion of new article 2A*)

MR. SPEAKER: Now we go to Clause-by-clause consideration. Clause 2. There are a number of amendments. Amendment No. 1, not moved. Amendment No. 2, Member absent. Amendment No. 43, Shri Vajpayee are you moving?

SHRI ATAL BIHARI VAJPAYEE: Yes, Sir, I am moving. I beg to move:

Page 1, lines 10 and 11,—

for "shall be associated with the Union on the terms and conditions set out in that Schedule"

substitute "shall form part of the Union" (43)

SHRI SAMAR GUHA: I move amendment No. 58; I beg to move:

Page 1, lines 10 and 11,—

for "shall be associated with the Union on the terms and conditions set out in that Schedule"

substitute "shall form part of the Union with special provisions on terms and conditions set out in that Schedule" (58)

PROF. MADHU DANDAVATE: I beg to move:

Page 1, line 11,—

add at the end—

"after the wishes of the people for such an association are ascertained through a referendum" (68)

MR. SPEAKER: Mr. Shanker Rao Savant—not moving. Shri Vajpayee.

श्री अटल बिहार वाजपेयी : अध्यक्ष महोदय, धारा (2) में यह कहा गया है :

"Sikkim, which comprises the territories specified in the Tenth Schedule, shall be associated with the Union on the terms and conditions set out in that Schedule."

मेरा संशोधन यह है :

For "shall be associated with the Union on the terms and conditions set out in that Schedule".

substitute "shall form part of the Union."

अध्यक्ष महोदय, इस विधेयक के उद्देश्यों और कारणों में यह कहा गया है कि सिक्किम की विधान सभा ने सर्वसम्मति से यह फैसला किया है कि सिक्किम की जनता को भारत के पार्लियामेंटरी सिस्टम में, संसदीय पद्धति में प्रतिनिधित्व मिलना चाहिए। क्या उन्होंने केवल लोक सभा में स्थान देना ही संसदीय पद्धति में प्रतिनिधित्व देना है ? संसद की सदस्यता देना संसदीय पद्धति का एक अंग जरूर है, लेकिन उसे पूरा पार्लियामेंटरी सिस्टम नहीं कहा जा सकता। वह चाहते हैं हमारे पूरे पार्लियामेंटरी सिस्टम में भाग लेना लेकिन हम उन्हें केवल लोक सभा और राज्य सभा में सदस्यता दे कर संतोष कर रहे हैं। उदाहरण के लिए हमारी संसदीय पद्धति का एक अभिन्न अंग है हमारा राष्ट्रपति। अब हम इसमें व्यवस्था कर रहे हैं कि वह लोक सभा के सदस्य होंगे और राज्य सभा के सदस्य होंगे, मगर राष्ट्रपति और उपराष्ट्रपति के चुनाव में भाग नहीं लेंगे। ऐसा क्यों ?

श्री एस० एम० बनर्जी (कानपुर) : हम लोगों ने भी भाग नहीं लिया था।

20.00 hrs.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, इनके इरादे अच्छे नहीं मालूम होते हैं। शायद ये भी एसोसियेट मेम्बरों के रास्ते पर जाना चाहते हैं।

मेरा निवेदन है कि हम उन्हें ससद का सदस्या बना रहे हैं, तो फिर उन्हे राष्ट्रपति के चनाव में भाग लेने का अधिकार होना चाहिए, उप-राष्ट्रपति क चुनाव मे भाग लेने का अधिकार होना चाहिये । अगर विदेश मंत्री जी यह तर्क दें कि अभी चोगियाल उन के कायम हैं और उनके हैड आफ दी स्टेट है तो वे चुनाव में कसे भाग ले सकते है, तो कम से कम जहां तक उप-राष्ट्रपति जी का सवाल है, उप-राष्ट्रपति न केवल उप-राष्ट्रपतिजी है बल्कि वह राज्य सभा के प्रीसाइडिंग आफिसर भी है और अध्यक्ष महोदय, आप कैसे इस सदन में किसी ऐसे मेम्बर की कल्पना कर सकते है जो कि प्रीसाइडिंग फिसर के चुनाव होने पर उस में भाग नही ले सकेगा । वह अपनी इच्छा से भाग ले या न ले, वह अलग बात है लेकिन उसे भाग लेने का अधिकार तो होना चाहिए और हम इन दोनों सदस्यों को इस से भी वंचित कर रहे है ।

तीसरी बात यह है कि जो विधेयक आया है, उससे हम अपने संविधान की परिकल्पना बदल रहे है और एसोसियेट मेम्बर का हम एक रास्ता नया खोल रहे है। मेरा कहना यह है कि सिक्किम की जनता हृदय से मिलना चाहती है, पूरी तरह मिलना चाहती है और वह पहले भी इस तरह की भावना प्रकट कर चुकी है और मेरा निश्चित मत है कि अगर वहां पर जनमत संग्रह किया जाए, तो वह भारत के साथ पूरी तरह से मिलने का निर्णय करेंगे । हम एक नई पैचीदगी पदा करने की बजाय उन्हें पूरी तरह से मिला लें । हम उन्हे भारतीय परिवार में पूरा सदस्य बनाने का इतना क्यों नहीं करते (व्यवधान) ।

अध्यक्ष महोदय, मेरे सारे संशोधन इसी उद्देश्य से रखे गये हैं और इसीलिए मैं संशोधनों पर बल देना चाहता हूं । जो लोग यह कह रहे है कि भारत सिक्किम को हड़प रहा है, वे गलत हैं । अगर सिक्किम वाले संसदीय पद्धति मे शामिल होना चाहते हैं तो विदेश मत्री उस पर विचार करे और न केवल उन्हें यहां पर मदस्यता ही दे बल्कि उन का मूलभूत अधिकार भी दें और सुप्रीम कोर्ट का संरक्षण भी उन्हें प्राप्त हो. और भारत के नागरिक बने और हम लोग कधे से कधा मिलाकर सिक्किम और भारत, दोनो के प्रगति के लिए, और विश्व शाति के लिए काम करें ।

SHRI P. K. DEO: Mr. Speaker, Sir, I would like to speak on the amendment moved by Shri Vajpayee.

I support the amendment moved by Shri Vajpayee. According to Clause 2 of the Bill, the people of Sikkim are an integral part of the Indian people. And it is their aspiration that they join the main-stream of Indian politics. It was a historical accident that they were isolated so long and their affairs were being dealt by the Ministry of External Affairs. Sikkim for whose defence we are spending so much; for whose economic uplift we are spending so much and for its administration we are giving our expert advice their destiny is combined with India. Taking all these into account I do not know why a separate status be given to Sikkim, rather Sikkim should be the 22nd State in our Constitution. I fully support the amendment so ably moved by Shri Atal Bihari Vajpayee.

SHRI S. M. BANERJEE: May I request Mr Vajpayee not to press for this amendment at present be-

[Shri S. M. Banerjee]

cause the situation is a delicate one and there are forces in the country who perhaps do not want even Sikkim to be an associate Member of our country. In this case the voting has showed that though the decision taken by the Government of India although late is a correct decision. Afterall the will of the people of Sikkim has to be honoured by us. Today this House has proved that this House stand not for politics but by the people of Sikkim. I am sure it will be realised by them and a day is fast approaching when we will have their representative in this House. I want an assurance from the hon. Minister whether this hon. Member from Sikkim in Lok Sabha where will he sit and on which side. Also will he be able to move motions under Rule 199, etc.

(*Interruptions*)

SHRI P. K. DEO: There should be a full discussion.

MR. SPEAKER: I am aware of that, Mr. Stephen.

SHRI S. M. BANERJEE: Mr. Speaker, Sir, is it your ruling? I am surprised. I pity his understanding. How does he function in the House?

SHRI C. M. STEPHEN: I am submitting. It happened last week. He gave a ruling and said that the permission accorded to me, shall not be treated as a precedent unless the House specially permits. Anybody who has not given notice of an amendment will not be allowed to speak. That was the ruling. I am just bringing it to your notice.

MR. SPEAKER: I think we have been following this practice in the past and we should stick to it. Only those Members who have given notice of amendments can speak. They can move the amendments and speak.

श्री मधु लिमये (बांका) : यह कभी नियम नहीं था। मैं कई साल से सदन में हूं।

श्री अटल बिहारी वाजपेयी : एक बार संशोधन पेश हो गया तो वह सदन की सम्पत्ति बन गई।

अध्यक्ष महोदय : भाषण करना है तो जिन के संशोधन हैं वे कर लें और आगे बैठें। कंसिडेशन स्टेज पर इतनी स्पीचिज हो चुकी है। कौन सी कर्मी बाकी रह गई है।

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Sir, this is a very important Bill. Here, we are talking about the democratic institutions in Sikkim and having a closer relationship with them and bringing Sikkim as an associate State of our country. It would be a sad commentary, Sir, if we do not have an opportunity for a thorough and full discussion here on the amendments that are being moved, which are as important as the Bill itself.

(*Interruptions*)

SHRI SAMAR GUHA: Sir, I have heard with rapt attention the speech made by the hon. Minister. It reminds me of a particular type of bird. When they lay their eggs they do it by closing their eyes, as if no other bird saw them laying their eggs. It appears to me that some of the homilies and some of the observations made by the hon. Minister look like that, that we are not changing the separate identity of Sikkim etc. I am sorry. You can convince this House and you can convince the Members of your party, but, there are intelligent people outside, in the world. They will understand the meaning, whether it is an associate State or what kind of integration is being brought about. This is a peculiar situation. The marriage has been

registered, but, it has not been declared as marriage. What we find? We have provided in this Bill for the association of the people of Sikkim, with the political institutions of India, political, economic and social association with India, employment opportunities, educational opportunities etc. We are also controlling the elections in Sikkim. Even if there is any crisis, ultimately, it is the President who has to decide and whose voice will be supreme. Sir, I should say, the relationship that is going to be established between Sikkim and India is almost like the relationship that is existing between the States and the Indian Union. Sir, the Planning Commission in India has become the supreme economic body. If a State wants to introduce a small scheme like rural electrification etc. it will not be able to do so without the sanction of the Planning Commission For our industrial development, for our trade, for our industry and commerce, for our agriculture and for our overall economic development, Planning Commission has been made the supreme authority.

We have taken certain calculated risk in regard to international reaction. It may lead to certain serious military consequences also. When we had taken this calculated risk, why not we respect the wishes of the people of Sikkim?....(*Interruptions*). There is the desire of the people of Sikkim for fuller integration with India as has been provided in the Indian Constitution. Therefore, my amendment is that it should be in the form of a State of Indian Union, and not an Associate State.

PROF. MADHU DANDAVATE: I had suggested a small amendment to clause 2 with a view to strengthen the contents of the Bill. I hope the hon. Minister will accept it which strengthen the content of the original Bill. We need not be perturbed by the likely reaction of international opinion. Our policy need not be timid at all. Just to give you one instance in support of my amendmen' The attitude of some big Powers was hostile to our policy of on Bangla Desh. When we stood firm, Bangla Desh was established and even the big Powers which wanted a solution to that problem within the framework of a United Pakistan had to change their attitude. If we stand firm those who are criticising us today will realise the truth ultimately. I want the addition of the words 'after the wishes of the people for such association are ascertained through a referendum' in clause 2A. Today the change is taking place on the basis of a resolution that had been passed by the Assembly.... (*Interruptions*). You may differ but you must hear my views

Our relations with Sikkim should not be left to the vagaries of the changing political pattern in Sikkim. Today the verdict of their Assembly is to have association with India. Tomorrow the mind of the Assembly may change I want that our relations with Sikkim should be irreversible and indestructible. For that, instead of relying on the resolution of the Assembly, let us have a referendum of the Sikkim people on this issue. Then that association will be irreversible and indestructible.

SHRI SWARAN SINGH: One suggestion has been that there should be complete merger and Sikkim should be at part with any other State of India. We cannot take this decision unilaterally It is not a question of bravery or not minding criticism. That is not relevant. The present amendment goes up to the point up to which Sikkim is prepared to go. I would appeal to hon members to accept this relationship.

About referendum, in this region, Constitutions of a far-reaching nature have been framed but there has never been any kind of referendum. Our own Constitution was drafted without a referendum. We are amending it now. Perhaps he will say whatever

[Shri Swaran Singh]

amendment we are making should also be subjected to a referendum. Let us not overdo this. The spirit is there. We have to go by the wishes of the people.

PROF. MADHU DANDAVATE: So far as our Constitution is concerned, even if we have a referendum in our country, article 368 gives the sovereign power to Parliament to amend any part of the Constitution. So, that analogy does not hold good.

SHRI SWARAN SINGH: The wishes of the people of Sikkim have been ascertained already. They have adopted the Constitution unanimously. Even the one member not belonging to the ruling party has supported it. This is more than a referendum. Let us not keep the matter in a melting pot by adding another rider. I would appeal to hon. members not to press their amendments.

MR. SPEAKER: I will now put Mr Vajpayee's amendment No. 43 to the House.

Amendment No. 43 was put and negatived.

MR. SPEAKER: I will now put Mr Samar Guha's amendment No. 58.

Amendment No. 58 was put and negatived.

MR. SPEAKER: I will now put Mr. Dandavate's amendment No. 68.

Amendment No 68 was put and negatived.

MR. SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The Lok Sabha divided;

Division No. 28] [10.37 hrs.

AYES

Achal singh, Shri
Agrawal. Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri

Babunath Singh, Shri
Bade. Shri R. V.
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali, Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari. Shri D.
Besra, Shri S. C
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri

Chakleshwar Singh. Shri
Chandra Gowda, Shri D. B.

Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chaudhary, Shri Ishwar
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chhotey Lal, Shri
Chhutten Lal, Shri
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque

Daga, Shri M. C.
Dalbir Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri S. N. Singh
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dumada, Shri L. K.
Durairasu, Shri A.
Dwivedi, Shri Nageshwar

Engti, Shri Biren

Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Gangadeb, Shri P.
Garcha, Shri Devinder Singh
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan

Hansda, Shri Subodh
Hari Kishore Singh, Shri
Ilari Singh, Shri
Hashim, Shri M. M.

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Joshi, Shri Jagannathrao
Joshi, Shri Popatlal M.

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakoti, Shri Robin
Kale, Shri
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.

Kamala Prasad, Shri
Kamble, Shri T. D.
Kamla Kumari, Kumari
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kasture, Shri A. S.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri Q. Y.
Krishnan, Shrimati Parvathi
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Lutfal, Haque, Shri

Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi. Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Mehta. Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri L. N.
Misra, Shri Janeshwar
Modi, Shri Shrikishan
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Khuda Bukhsh, Shri
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.

Naik, Shri B. V.
Negi, Shri Pratap Singh
Nimbalkar, Shri

Oraon, Shri Kartik

Pahadia. Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Krishna Chandra
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai, Haokip, Shri
Parashar. Prof. Narain Chand
Partap Singh, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil. Shri Krishnarao

Patil, Shri S. B.
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Ram Dayal. Shri
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao. Dr. K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ray, Shrimati Maya
Reddy, Shri P. Antony
Reddy. Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohtagi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh. Shri
Sadhu Ram, Shri
Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra. Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh. Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri. Shri Raja Ram
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Prof.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri

Shukla, Shri B. R.
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri Vishwanath Pratap
Sinha. Shri Dharam Bir
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh. Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Tiwari, Shri Chandra Bhal Mani
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vajpayee. Shri Atal Bihari
Vekaria, Shri
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav Shri R. P.

NOES

Nil

MR. SEAKER: The result of the division is:

Ayes 325; *Noes*: Nil.

The motion is carried by a majority of the total membership of the house and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 2 was added to the Bill

New Clause 2— (*Sikkim to be associaed with Union*)

SHRI MADHU LIMAYE: I beg to move:

Page 1,—

after line 11, *insert*—

"2A. After article 11 of the Constitution, the following article shall be inserted, namely:—

"11A. The people of Sikkim shall enjoy the status of associate citizens.'." (12)

Page 1,—

after line 11, *insert*—

"2A. After article 35 of the Constitution, the following article shall be inserted, namely:—

'35A. The people of Sikkim shall enjoy all the fundamental rights enumerated in this Part, although associate citizens of the Indian Union.'." (13)

अध्यक्ष महोदय : मैं एक नया क्लाज जोडना चाहता हूं—12 तथा 13 संशोधनों को पेश करता हूं।

अध्यक्ष महोदय, मैं जो नया क्लाज जोड़ना चाहता हूं उसमें दो बात हैं—एक यह है कि संविधान की धारा 11 के बाद एक नई धारा जोड़ी जाय—11 (ए)—

"The people of Sikkim shall enjoy the status of associate citizens."

आपने एसोसिएट स्टेट बना दिया है, इसलिए मैं चाहता हूं कि उसको सह-नागरिक का दर्जा भी दिया जाए ।

मेरा दूसरा सुझाव यह है —

"The people of Sikkim, although associate citizens of the Indian Union, shall enjoy all the fundamental rights enumerated in this Part...."

अध्यक्ष महोदय, इसके मानने में सरदार साहब को बिल्कुल दिक्कत नही होनी चाहिए, क्योंकि इन्होने कहा है कि सिक्किम असेम्बली की जो इच्छा है, जो एक राय से अभिव्यक्त की गई है, उसको हम लोग मानना चाहते है । अब सिक्किम असेम्बली के प्रस्तावो की ओर मैं आप का ध्यान दिलाना चाहता हू । अध्यक्ष महोदय, यह प्रस्ताव न 2 है, इस प्रस्ताव मे उन्होने कहा है —

"The people of Sikkim should enjoy the fundamental rights available to the citizens of India under Part III of the Constitution of India"

तो इनकी जो इच्छा है कि सिक्किम के नागरिको को वही सब बुनियादी मौलिक अधिकार मिले जो आज भारत के सविधान के अनुसार भारतीय नागरिको को मिलते है ।

अध्यक्ष महोदय, कल को सिक्किम के अन्तर्गत कोई बात हो गई और भारत का जो प्रो-कान्सल वहा पर बैठा है, वह अगर सिक्किम असेम्बली के प्रस्ताव को बदल दे तो, अध्यक्ष महोदय, मै जानना चाहता हू कि आज जो एक पवित्र करार इस विधेयक के द्वारा सिक्किम की जनता के साथ आप करना चाहते है उसका क्या होगा ? तो हम लोगो की ओर से, इस सदन की ओर से मैं चाहता हूं कि सिक्किम की जनता को हम लोग यह आश्वासन दे कि हम अपने संविधान में ही परिवर्तन कर के आप के प्रस्ताव के द्वारा जो इच्छा अभिव्यक्त हुई है उसको हम अपने सविधान मे रखते है । इसका मतलब होगा कि दो-तिहाई बहुमत के बिना कोई भी आदमी, कोई भी प्रो-कान्सल सिक्किम की जनता की जो स्वतन्त्रता की प्यास है, बुनियादी अधिकारो के लिये, उसको कभी खत्म नही कर सकता है ।

बार बार आप सिक्किम असेम्बली का हवाला दे रहे थे तो फिर आप को कौन सी चिन्ता है, आप को क्या ऐतराज है, कि सिक्किम असेम्बली के प्रस्ताव को ही हम सवैधानिक जामा पहनाये । अगर आप इसका विरोध करेंगे तो दुनिया के ऊपर इसका अच्छा असर नही होगा । इसलिए मैं लम्बा भाषण नही कहूगा, मैं आप से प्रार्थना करना चाहता हू कि एसोशियेटेड सिटिजनवाली मेरी बात को मान लीजिए ।

आज क्या होता है—पासपोर्ट के बारे मे मुझे पता नही है लेकिन एक जानकार व्यक्ति ने मुझ को कहा है कि सिक्किम के लोगो के पासपोर्ट मे यह लिखा होता है—इण्डियन प्रोटेक्टेड परसन । यह लाछन की बात होगी । लेकिन मेरा संशोधन मान लेने के बाद अब लिखा जायेगा—एसोशियेटेड सिटिजन आफ़ दि इण्डियन यूनियन एण्ड सिटिजन आफ सिक्किम । (व्यवधान) अध्यक्ष महोदय, क्या हर चीज पर शंकर दयाल सिंह को बोलना चाहिए, ये वोट के समय यहां क्यो नही आते हैं । आप

जरा अपने लोगों को डिस्प्लिण्ड बनाइये। कोई जरूरी नहीं है कि वे इस वक्त यहां रहें, सैन्ट्रल हाल में जाकर काफी पी सकते हैं।

अध्यक्ष महोदय जो नहीं रहना चाहते हैं वे बाहर चले जायें, जो पीना हो पी आयें।

श्री मधु लिमये : आप लोग अगर इम्पेशन्ट होंगे तो मैं बैठने वाला नहीं हूं। जिन को सुनना नहीं है न सुनें। यहां बैठने के लिए किसने जबरदस्ती की है। यह क्या तरीका है, आप अपने सर्वधानिक ढांचे में बुनियादी तबदीली फण्डामेंटल चेंज कर रहे हैं। कास्टीचूएन्ट असेम्बली में जिस पर महीनों तक बहस हुई थी—इतना महत्वपूर्ण विषय है और आप लोग हो-हल्ला करते जा रहे हैं।

इसलिए इसके बाद भी "इंडियन प्रोटेक्टेड पर्सन" यह वर्णन सिक्किमी जनता के पासपोर्ट पर रहेगी तो अच्छा नहीं है। इस लिए मेरे इन दोनों सुझावों को आप मान लें, यह सिक्कम असैम्बली के प्रस्ताव से कहीं भी नहीं टकराते, बल्कि उस प्रस्ताव को सवैधानिक लिबास पहनाते ने।

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय, मुझे एक बात कहनी है। जब मैंने पहले संशोधन रखा था तो मैंने मूलभूत अधिकारों का हवाला दिया था

अध्यक्ष महोदय वह तो गिर गया

श्री अटल बिहारी वाजपेयी : गिर तो गया है लेकिन मधु लिमये जी ने जो बात कही है कि सिक्कम असैम्बली, भारत के फंडामैन्टल राइटस यहां मिले, इसकी कीसिफारिश कर सकती है।

दूसरी बात यह साफ होनी चाहिए कि यह संविधान संशोधन स्वीकार होने के बाद सिक्कम प्रोटेक्टोरेट नहीं रहेगा—यह बात बिल्कुल स्पष्ट कर दी जाए। "प्रोटेक्टोरेट" शब्द जो है वह बहुत ही लाछनास्पद और गरीमाहीन है। फिर पासपोर्ट में प्रोटेक्टेड सिटीजन वाली बात नहीं पैदा होती है।

SHRI SWARAN SINGH The point that has been raised by Mr. Madhu Limaye is that the citizens of Sikkim should have fundamental rights and he has cited a Resolution passed by their own Assembly All that the Resolution means is that, in Sikkim, they will have the same fundamental rights as the Indians have in India Who are we to give fundamental rights to them? It is for the Sikkim Assembly to give and they have already given fundamental rights according to their Constitution. I would like Mr Madhu Limaye to think deeply over this They are Sikkimese and they have adopted a Resolution that they want to have the same type of fundamental rights as Indians have in India Of course, we welcome the decision of theirs But why should that be a part of our Constitution? The fundamental rights are in Sikkim Therefore, this is redundant and we cannot confer fundamental rights on Sikkimese from here

Another point was about associate citizenship We have already said in Clause 2 which has already been approved:

> "Sikkim, which comprises the territories specified in the Tenth Schedule, shall be associated with the Union on the terms and conditions set out in that Schedule."

What have you to confer upon them? They have been associated with the Union on the terms and conditions set out in the Schedule.

I would also like to add that, to have a phrase the exact connotation of which is not defined, will be rather a risky concept and at the present stage I cannot accept this.

श्री अटल बिहारी वाजपेयी : प्रोटेक्टोरेट वाली बात साफ नहीं हुई ?

SHRI SWARAN SINGH: I would like to say that, after this amendment is approved by the two Houses, the status of protectorate will not be there.

MR SPEAKER: I now put amendments Nos. 12 and 13 by Shri Madhu Limaye asking for an additional Clause, Clause 2A, to the vote of the House

Amendments Nos 12 and 13 were put and negatived.

Clause 3—(*Amendment of article 80*).

SHRI SAMAR GUHA: I beg to move:

Page 1,—

for clause 3, *substitute*—

'3. In the First Schedule (articles 1 and 4) to the Constitution in Part I under the Head "THE STATES", the following shall be added at the end:

"22 Sikkim the territories which immediately before coming into force of the Government of Sikkim Act, 1974, were comprised in Sikkim."' (59).

मैंने बहुत गौरसे सुना है और मैं हिन्दी में ही एक बात कहना चाहता हू : जो हमारे विदेश मंत्री ने कहा कि यूनिलेट्रली कैसे हम या हां बदल सकते हैं तो उनका ही जो बिल पास किया हुआ है, उनके ही ऐक्ट के क्लाज 30 जो इंडिया के साथ रिलेशन्स के बारे मे है, को पढना चाहता हू .

"For speedy development of Sikkim in the social, economic and political fields, the Government of Sikkim may seek participation and representation for the people of Sikkim in the political institutions of India."

हमारे पोलिटिकल इन्स्टीट्यूशन्स की पूरी की पूरी प्रतिभा हमारा कान्स्टीट्यूशन है। अगर हमारा भारतीय संविधान यह नही तो पोलिटिकल इन्स्टीट्यूशन के क्या माने हो सकते है अगर आप चाहते हैं कि हमारे पोलिटिकल इन्स्टीट्यूशन्स मे वह पूरा हिस्सा ले तो—पोलिटिकल इन्स्टीट्यूशन्स मे पूरा हिस्सा लेने का मतलब है कि हमारे भारतीय संविधान के मातहत जो जो सुविधाए, जो-जो अधिकार है वही सुविधाये और वही अधिकार उनके कानून के मातहत हो इसलिए मै इस बात को यहाँ पर कह रहा हू मंत्री महोदय से मेरी यही प्रार्थना है कि मेरे अमेन्डमैन्ट को मान ले ।

श्री स्वर्ण सिंह : यहा इन्होने जो तरकीन पेश की उसको मैं मान नही सकता क्योंकि जो चीज यह कहते है वह दरअसल उनके एक्ट मे नही है । पोलिटिकल इन्स्टीट्यूशन्स का मतलब यह नही है कि सोशलिस्ट पार्टी के मैम्बर बन जाये । इसका यह मतलब है कि पार्लमेंट के मैम्बर बने और वह आप इस कानून के मुताबिक बना रहे ह ।

MR. SPEAKER: I will now put amendment No. 59 to vote.

Amendment No. 59 was put and negatived.

MR. SPEAKER: Now I will put clause 3 to the vote of the House. This, being a Constitution Amendment Bill, voting has to be by division.

Let the lobbies be cleared.

The lobbies have been cleared.

The question is:

"That Clause 3 stand part of the Bill."

Now, Division.

The Lok Sabha divided.

MR. SPEAKER: The result of the division *is:

Ayes:	319.
Noes:	Nil.

The motion is carried...

SHRI S. M. BANERJEE: The total is wrong.

SHRI A P SHARMA: The total is wrong. The machine has failed

AN HON. MEMBER: It is being corrected.

MR. SPEAKER: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 3 was added to the Bill

MR SPEAKER: There is an amendment for inserting a new Clause 3-A.

Shri Shankarrao Savant; Shri Lakkappa. Amendment No. 29.

AN HON. MEMBER: They are not moving.

Clause 4—(*Amendment of article 81*).

MR. SPEAKER: We go to Clause 4. There are no amendments.

The lobbies have already been cleared. The result has to be recorded by Division

The question is:

"That Clause 4 stand part of the Bill."

Now, Division.

The Lok Sabha divided:

Division No. 22) 20.59 hrs.

AYES

Achal Singh, Shri
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri

Babunath Singh, Shri
Bade, Shri R. V.
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri

*Names of Members who had recorded votes have not been included as the photograph of the division result could not be taken on account of defect developed in the automatic vote recording machine.

Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa. Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh Kotah, Shri

Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvidi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chaudhary, Shri Ishwar
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chhotey Lal, Shri
Chhutten Lal, Shri
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque

Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri S. N. Singh
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dumada, Shri L. K.
Durairasu, Shri A.
Dwivedi, Shri Nageshwar

Engti, Shri Biren

Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Gangadeb, Shri P.
Garcha Shri Devinder Singh
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Godara, Shri Mani Ram
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan

Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.

Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jitendra Prasad, Shri
Joshi, Shri Jagannathrao
Joshi, Shri Popatlal M.

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kale, Shri
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
Kamla Kumari, Kumari
Kapur, Shri Sat Pai
Karan Singh, Dr.
Kasture, Shri A. S.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Lutfal Haque, Shri

Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malayiva, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Mehta, Dr. Mahipatray
Melkote, Dr. G: S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri L. N.
Misra, Shri Janeshwar
Modi, Shri Shrikishan
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Khuda Bukhsh, Shri
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.

Naik, Shri B. V.
Negi, Shri Pratap Singh
Nimbalkar, Shri

Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Pandey, Shri Krishna Chandra
Pandey, Shri Sudhakar

Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Partap Singh, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhani, Shri K.
Purty, Shri M. S.

Qureshi, Shri Mohd. Shafi

Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Ram Dayal, Shri
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ray, Shrimati Maya
Reddi, Shri P. Antony
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Shri

Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sardar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.

Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Raja Ram
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Prof.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri
Shukla, Shri B. R.
Siddayya, Shri S. M.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri

Tarodekar, Shri V. P.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Tiwari, Shri Chandra Bhal Mani
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.

Ukey, Shri M. G.
Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari
Vekaria, Shri
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Virbhadra Singh, Shri

Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

*Nil

MR SPEAKER The result of the devision is

Ayes: 317, Noes: Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted

Clause 4 was added to the Bill

MR. SPEAKER: Now we come to Clause 4-A. Excepting Shri Madhu Limaye, I think nobody has given any amendment to 4-A. Are you moving?

श्री मधु लिमये : अध्यक्ष महोदय, यह तो रेफ़रेन्डम और बुनियादी अधिकारों के बारे में ही था। इस लिए मैं पेश नहीं कर रहा हूं, इस पर वोट हो चुका है।

*The following members also record ed their votes for Ayes: Sarvashri Sadhu Ram and Manikrao Palodkar.

Clause 5—(*Addition of Tenth Schedule*)

MR. SPEAKER: Now we come to Clause 5. There are many amendments to Clause 5. I think Shri Shankar Rao Savant and Shri Bibhuti Mishra are not moving their amendment Nos. 3, 4, 5, 6, 7, 8, and 10. Also Shri Hari Kishore Singh is not moving his amendment No. 9 to clause 5. Are you moving your amendments, Mr. Limaye?

SHRI MADHU LIMAYE: I move:

Page 2,—

after line 13, *insert*—

"PART AA

(1A) The association of Sikkim with the Indian Union shall be on a permanent basis, and neither party shall terminate the association;

(1B) The terms of this association set forth below shall not be varied or altered unless the variation or alteration is endorsed by an absolute majority of the people of Sikkim who are 18 years of age or above through a referendum held for this purpose." (16).

Page 3,—

after line 3, *insert*—

"Provided that all these orders shall be laid before the two Houses of Parliament and the Members from Sikkim or any 10 members of the House shall be entitled to demand a discussion thereon before the end of the session in which they are so laid." (17).

Page 3, line 10,—

add at the end—

"and by all those who are 18 years of age or above in the population of Sikkim by direct elections respectively." (18).

Page 3, lines 7 and 18,—

omit "except as respects the election of the President or the Vice-President" (18).

Page 3,—

after line 45, *insert*—

"(gg) the provisions of article 326 of the Constitution shall also apply subject to paragraph 4(a)—as amended—in relation to the election to the House of the People." (20).

SHRI BHOGENDRA JHA: I move:

Page 2, line 21,—

after "the" *insert*—

"responsibility and" (22).

Page 2, line 26,—

after "ensuring" *insert*—

"further democratisation and". (23).

Page 2,—

after line 35, *insert*—

"(f) shall be responsible for defending and developing the specific culturual and linguistic identity of the Sikkimese people.' (24).

Page 3,—

for lines 8 to 10, *substitute*—

"(b) The representative of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly and that in the House of the People shall be elected by the people of Sikkim on the basis of adult franchise irrespective of race, sex or community;" (27).

Page 3, line 18,—

add at the end—

"unless the Sikkim Assembly specifically so decides". (28).

MR. SPEAKER: I think Shri Gotkhinde and Shri Nimbalkar are not moving their amendment Nos. 25 and 26. Also Shri Jha is not moving his amendment Nos. 27 and 28.

Mr. Huda, are you moving?

SHRI NOORUL HUDA: I beg to move:

Page 3,—

omit lines 1 to 3, (31).

Page 3, line 10,—

add at the end—

"and shall be liable to be recalled by a resolution of Sikkim Assembly." (32).

Page 4,—

.. *for* 10 to 14, *substitute*—

"5. Nothing contained in this Schedule, or in any other agreement, grant, usage, sufferance, or other arrangement, shall abrogate or restrict the power of Sikkim people through their elected legislature by adult franchise, to frame any constitution, change any agreements including the abolition of post and powers of Executive Officer and the post of Chogyal and the Government of Sikkim Act of 1974, that it considers necessary to exercise full internal autonomy." (33).

SHRI S. M. BANERJEE: I beg to move:

Page 2,—

after line 35, *insert*—

"Provided that in all matters relating to clauses (b), (c), (d) and (e) of this paragraph, the Government of India shall take into due account the views of the Government of Sikkim." (34).

Page 3,—

after line 3, *insert*—

"(c) copies of all general and special orders issued under this paragraph, but not relating to matters under clause (a) of paragraph 2(1), shall be placed before the two Houses of Parliament and also transmitted to the Sikkim Assembly." (35).

But, I am not moving my amendment No. 36. I think our amendments have been accepted though they do not stand in the name of Shri Swaran Singh!

SHRI ATAL BIHARI VAJPAYEE: I beg to move:

Page 3,—

after line 3, *insert*—

"3A. All orders issued by the President under this paragraph and which relate to the discharge of such responsibilities of the Government of India as are entrusted in clauses (b), (c), (d) and (e) of paragraph 2(1), as soon as may be, shall be laid before each House of Parliament and before the Sikkim Assembly." (45).

Page 3,—

for lines 8 to 10, *substitute*—

"(b) the representative of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly and the representative of Sikkim in the House of People shall be elected by direct election; both these elections shall be held in such manner, as Parliament may, by law, provide." (46).

Page 3,—

for lines 11 to 13, *substitute*—

"(c) a person shall not be qualified to be the representative of Sikkim in

the Council of States or the House of the People unless he—

(i) is a citizen of Sikkim, and makes and subscribes before some person, authorised in that behalf by the Election Commission, an oath or solemn affirmation according to the form set out for the purpose in the Third Schedule to the Constitution of India;

(ii) is, in the case of a seat in the Council of States, not less than thirty years of age and in the case of a seat in the House of the People not less than twenty-five years of age: and

(iii) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament." (47).

Page 3, lines 17 and 18,—

omit "except as respects the election of the President or the Vice-President" (48).

Page 3,—

for lines 25 and 26, *substitute*—

"(ii) until such time as the citizenship Act, 1955 is not extended to Sikkim, sub-clause (d) of clause (1) of article 102, shall not apply." (49)

SHRI SWARAN SINGH: I beg to move:

Page 3, *for* lines 8 to 31, *substitute*—

"(b) the representative of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly;

(c) the representative of Sikkim in the House of the People shall be chosen by direct election, and for this purpose, the whole of Sikkim shall form one Parliamentary constituency to be called the Parliamentary constituency for Sikkim:

Provided that the representative of Sikkim in the House of the People in existence at the commencement of the Constitution (Thirty fifth Amendment) Act, 1974, shall be elected by the members of the Sikkim Assembly;

(d) there shall be one general electoral roll for the parliamentary constituency for Sikkim and every person whose name is for the time being entered in the electoral roll of any constituency under the Government of Sikkim Act, 1974, shall be entitled to be registered in the general electoral roll for the parliamentary constituency for Sikkim;

(e) a person shall not be qualified to be the representative of Sikkim in the Council of Statses or the House of the People unless he is also qualified to be chosen to fill a seat in the Sikkim Assembly and in the case of any such representative—

(i) clause (a) of article 84 shall apply as if the words 'is a citizen of India, and' had been omitted therefrom;

(ii) clause (3) of article 101 shall apply as if sub-clause (a) had been omitted therefrom;

(iii) sub-clause (d) of clause (1) of article 102 shall apply as if the words 'is not a citizen of India or' had been omitted therefrom;

(iv) article 103 shall not apply;

(f) every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the People, as the case may be, for all the purposes of this Constitution except as respects the election of the President or the Vice-President:

Provided that in the case of any such representative, clause (2) of article 101 shall apply as if for the words 'a House of the Legislature of

[Shri Swaran Singh]

a State', in both the places where they occur, and for the words 'the Legislature of the State', the words 'the Sikkim Assembly' had been substituted;

(g) if a representative of Sikkim, being a member of the Council of States or the House of the People, becomes subject to any of the disqualifications for being a member of the Sikkim Assembly or for being the representative of Sikkim in the Council of States or the House of the People, his seat as a member of the Council of States or the House of the People, as the case may be, shall thereupon become vacant;". (51)

Page 3, line 32, *for* "(f) *substitute* "(h)". (52)

Page 3, line 35, *for* "(e)" *substitute* "(g)". (53)

Page 3, line 40, *for* "(g)" *substitute* "(i)". (54)

Page 3, lines 40-41, *for* "preparation for" *substitute* "preparation of the electoral rolls for". (55)

Page 3, line 46, *for* "(h)" *substitute* "(j)". (56)

Page 4, line 3, *for* "(i)" *substitute* "(k)". (57)

SHRI SAMAR GUHA: I beg to move:

Page 2,—

for lines 28 to 32, *substitute*—

"(d) shall be responsible for providing educational and employment and other facilities for the State of Sikkim as provided in the Indian Constitution;" (60)

Page 2,—

after line 35, *insert*—

"(f) shall ensure Citizenship, Fundamental Rights, Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, Right to Property and Right to Constitutional Remedies as provided in the Constitution." (61)

Page 3,—

after line 3, *insert*—

"3A. All orders issued by the President in regard to Tenth Schedule which relates to the discharge of such responsibility of the Union Government shall be laid before each House of Parliament and before the Sikkim Assembly." (62)

Page 3,—

for lines 8 to 10, *substitute*—

"(b) the representative of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly and the representative of Sikkim in the House of People shall be elected by direct election, both these elections shall be held in such manner, as provided in the Constitution;" (63)

Page 3, line 10,—

add at the end— /

"and shall be liable to be recalled by a resolution adopted by the two-third members of the Sikkim Assembly;" (64)

Page 3,—

for lines 11 to 13, *substitute*—

"(c) a person shall not be qualified to be the representative of Sikkim in the Council of States or the House of the People unless he—

(i) is a citizen of Sikkim, and makes and subscribes before some person, authorised in that behalf by the Election Commission, an oath or solemn affirmation according to the form set out for the purpose in the Third Schedule to the Constitution of India;

(ii) is, in the case of a seat in the Council of States, not less than thirty years of age and in the case of a seat in the House of the People not less than twenty-five years of age, and

(iii) possesses such other qualifications as provided in the Constitution; (65)

Page 3, lines 17 and 18,—

omit "except as respects the election of the President or the Vice-President" (66)

Page 4,—

after line 14, *insert*—

"6 The Constitution (Thirty-sixth Amendment) Bill after being passed by the Parliament shall come into force after it is approved by two-third majority of the members of the Sikkim Assembly.' (67)

PROF MADHU DANDAVATE: I beg to move:

Page 3,—

for lines 8 to 10, *substitute*—

"(b) the representative of Sikkim in the Council of States shall be elected by the Members of the Sikkim Assembly and the representative of Sikkim in the House of the People shall be elected by direct election on the basis of adult franchise," (69)

श्री मधु लिमये अध्यक्ष महोदय, असल मे दसवा शैड्यूल इस बिल का सब से महत्वपूर्ण हिस्सा है, इसलिए कुछ सशोधन हम लोग रखना चाहते है। मेरी पहली तरमीम पार्ट (ए) के बाद आती है जो इस प्रकार है

"The association of Sikkim with the Indian Union shall be on a permanent basis, and neither party shall terminate the association:"

और दूसरी है

"The terms of this association set forth below shall not be varied or altered unless the variation or alteration is endorsed by an absolute majority of the people of Sikkim who are 18 years of age or above through a referendum held for this purpose."

अध्यक्ष महोदय, यह मैं इसलिए दे रहा हू क्योकि कसिड्रेशन स्टेज पर कई लोगो ने आशका व्यक्त की थी कि अगर मान लीजिए कि बाद मे सिक्किम एसेम्बली बदल जाती है और कहती है कि भारत के साथ, इण्डियन यूनियन के साथ जो सम्बन्ध इस विधेयक के द्वारा जुड गये है, उन को हम लोग समाप्त करना चाहते है, तो क्या होगा। इस आशका को, इस सदेह को दूर करने के लिए, अध्यक्ष महोदय, मैं चाहता हू कि हमारे सविधान मे यह स्पष्ट लिखा जाना चाहिए कि यह जो एसोसियेशन बन रहा है, यह समाप्त नही किया जा सकता। अध्यक्ष महोदय, जैसे भारत के अन्य राज्य है, उन के बारे मे भी हम लोगो ने सविधान मे परिवर्तन कर के यह तय किया है कि किसी भी राज्य को भारतीय सघ से अलग होने की छूट नही मिलेगी। अन्दर आने से पहले अच्छी तरह से सोच ले लेकिन एक दफा अन्दर आने के बाद बाहर नही निकलना चाहिए और यह कोई नई बात नही है। अमेरिका के जो 13 सार्वभौम, सोवरन राज्य थे, 13 इडिपेडेंट स्टेट्स थे, इन लोगो ने जो फेड्रेशन बनाया था यूनाइटेड स्टेट्स, तो बाद मे कुछ सदर्न स्टेट्स उस मे से निकलना चाहती थी। उस वक्त वहा के प्रेसीडेंट श्री लिकन ने कहा था कि यूनियन इनडस्ट्रेक्टेबिल, अटूट है। इसलिए मैं चाहता हू कि इस ससद् द्वारा जो हम लोग एक रिश्ता बना रहे है, तो यह रिश्ता अटूट रहे।

अध्यक्ष महोदय, अब मेरा दूसरा संशोधन यह है। मैंने राष्ट्रपति के आर्डर्स के बारे में यह कहा है :

"Provided that all these orders shall be laid before the two Houses of Parliament and the member for Sikkim or any ten Members of the House shall be entitled to demand a discussion on this before the end of the Session in wihch they are so laid."

राष्ट्रपति के आदेश के ऊपर सिक्किम के प्रतिनिधियों को आप यहां बुला रहे है, उन का स्वागत कर रहे हैं, तो राष्ट्रपति के द्वारा जो आदेश जारी किये जाएंगे, उन पर बहस करने का कोई मौका होना चाहिए। इसलिए इस के द्वारा में यह तरमीम लाना चाहता हूं कि अगर सिक्किम का सदस्य नोटिस दे दे कि इन आदेशों के ऊपर मैं बहस चाहता हूं तो सत्र समाप्त होने से पहले उस को मौका मिलना चाहिए और उस पर बहस होनी चाहिए। मेरे दो प्रस्ताव सरकारी आर्डर्स के बारे में अभी पड़े हुए हैं और उन पर अभी तक बहस नही हुई है। इसलिए मेरे इस संशोधन को स्वीकार करने मे सरदार साहब को कोई तकलीफ़ नही होनी चाहिए। यह मेरा सशोधन नं० 17 है।

अब जहां तक 18 वी तरमिम का सवाल है इस में मैंने यह चाहा है कि सिक्किम के प्रतिनिधि का चुनाव यानी लोक सभा के प्रतिनिधि का चुनाव, बालिग मताधिकार पर होना चाहिए। इन्होंने तो इसमे संशोधन को मान लिया है लेकिन मैं यह चाहता था कि जैसे हम लोग कहते हैं कि भारत में 18 साल की सीमा होनी चाहिए, उसी तरह से सिक्किम मे भी हो। लेकिन क्योंकि इन्होंने इस को मान लिया है, इसलिए मैं इस को प्रेस नहीं करूंगा।

इस के बाद 19वें एमेंडमेंट में मैंने यह कहा है कि राष्ट्रपति और उपराष्ट्रपति के चुनाव में भी उन को वोट करने की छूट देनी चाहिए। इस को आप को मान लेना चाहिए क्योंकि इस में कोई झगड़े की बात नहीं है।

इस के बाद मेरा 20 वां संशोधन है और वह चुनाव के बारे में है और इस के शायद इन्होंने मान लिया है। इसलिए में इस को प्रेस नही कर रहा हूं।

मैं सरदार साहब से यह निवेदन करना चाहता हूं कि इनडेस्ट्रक्टिबिल एसोसियेशन के बारे मे, अटूट हम लोगो को रिश्ता रहे, राष्ट्रपति के आदेशो पर बहस करने का मौका सिक्किम के प्रतिनिधि और ससद् को मिले और राष्ट्रपति और उपराष्ट्रपति के चुनाव मे उन को वोट देने का अधिकार मिले, मेरे इन संशोधनों को, मुझे आशा है, सरदार साहब मान लेगे।

बस मुझे इतना ही कहना था।

SHRI NOORUL HUDA: Sir, my amendment relates to Clause 5, Paragraph 4(b) of the proposed Tenth Schedule. This is on page 3 of the Bill.

"The representatives of Sikkim in the Council of States and the House of the People shall be elected by the members of the Sikkim Assembly."

We want this to be amended by adding:

"and shall be liable to be recalled by a Resolution of the Sikkim Assembly."

Sir, the Minister has been telling this House again and again that the separate identity of Sikkim will be respected and the democratic institutions, which they have established, will also be respected. Sir, in this connection, we want that there should be no interference in the rights of

Sikkimese people. For that, we are suggesting by this amendment that the Sikkimese people should have the right to recall and to withdraw their representatives from the House of the People and from the Council of States.

If the Government wants the separate identity of the Sikkim people, there should be no opposition to the first amendment. There is another amendment to clause 5, by which I want lines 10 to 14 to be substituted by my amendment. By this amendment I want the rights of the Sikkim people to be protected; they can have freedom of their choice; they have a right to change any agreement including the position and the power of the executive officer. This is an important amendment. If you want to foist an Indian political executive over the head of the Sikkim legislature, it would be a negation of democracy. Therefore we want this amendment. When they think so they can change the post of Chogyal also. The Government of India should not stand in the way of the Sikkim people to abolish the post of Chogyal as and when necessary. If the Minister is true to his speech, he should accept my amendments If he wants to establish democratic institutions in this country, he should have no objection to my amendments; indeed he should accept them.

SHRI BHOGENDRA JHA: On page 2, in Part B the responsibilities of the Government of India have been enumurated. In sub-clauses (a), (c), (d) and (e) they say the Government shall be responsible for certain things. But in sub-clause (b) they say only about the exclusive right. Therefore I have moved an amendment so that the clause will read 'shall have the responsibility and exclusive right of constructing, maintaining, etc. That is my amendment No. 22.

My other amendment is in relation to sub-clause (c) which reads: ".... shall be responsible for a securing the economic and social development of Sikkim and for ensuring good administration and for the maintenance of communical harmony therein."

I want the words "further democratisation" to be added, so that it will read, "ensuring further democratisation and good administration" etc.

My amendment No 24 seeks to add a new a new sub-clause to provide that the Government of India shall be responsible for defending and developing the specific cultural and linguistic identity of the Sikkimese people This is not mentioned anywhere in the Bill and I want this to be added. My other amendments Nos. 27 and 28 are covered by the Government amendments.

SRI S. M. BANERJEE: My amendment No. 34 seeks to provide that in all matters relating to clauses (b), (c), (d) and (e), the Government of India shall take into due account the views of the Government of Sikkim. This is necessary because a situation may arise when some Government may use the Sikkim airport for some ulterior purpose to attack some other country. So, we want that the Sikkim Government should be consulted in all matters It should not be left in the hands of the bureaucrats to do whatever they like.

My amendment No. 35 says:

> "copies of all general and special orders issued under this paragraph but not relating to matters under clause (a) of paragraph 2(1) shall be placed before the two Houses of Parliament and also transmitted to the Sikkim Assembly."

This is necessary and it is very innocuous. I do not find any reason why the minister should not accept these amendments.

श्री अटल बिहारी वाजपेयी : यह खुशी की बात है कि विदेश मंत्री ने सभी पक्षों की ओर से पेश यह संशोधन मान लिया है कि हमारी लोक सभा मे सिक्किम का प्रतिनिधि वहा की जनता द्वारा निर्वाचित होना चाहिए। लेकिन यह बात अभी स्पष्ट नही है कि लोक सभा और राज्य सभा के सदस्यों के लिए जो नियम है डिसक्वालिफिकेशन के बारे मे——

SHRI SWARAN SINGH: I am bringing an amendment.

श्री अटल बिहारी वाजपेयी : उम्र के बारे मे सशोधन नहीं माना है।

SHRI SWARAN SINGH: In fact, I clarified that in my opening speech that we have accepted this that they will be subject to the same disqualifications as the Indian Members of Parliament are. That was what Shri Advani had suggested and it is incorporated here, except citizenship, the other offices of profit and everything are included here.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, उन्हे राष्ट्रपति और उपराष्ट्रपति के चुनाव मे भाग लेने का अधिकार क्यो नहीं दिया जा रहा है, इस पर जरा मंत्री जी प्रकाश डाल दे। हमारी इच्छा है कि उन को यह अधिकार होना चाहिए।

एक बात मने और कही है कि जो राष्ट्रपति के द्वारा आदेश जारी किए जाएगे उन्हे हमारे सभा पटल पर रखा जाना चाहिए। अभी तक इस तहर की कोई व्यवस्था नही है। मेरे सशोधन के शब्द ये है

"All orders issued by the President under this p aragraph and which relate to the discharge of such responsibilities of the Government of India as are entrusted in clauses (b), (c), (d) and (e) of paragraph 2(1), as soon as may be, shall be laid before each House of Parliament and before the Sikkim Assembly."

एक और मेरा संशोधन है :

For lines 25 and 26, substitute 'sub-clause (d) of clause (1) of article 102 shall not apply".

मेरा निवेदन यह है कि यह कहने की कोई आवश्यकता नही है। हम यह कह सकते है :

"until such time as the citizenship Act, 1955 is not extended to Sikkim, sub-clause (d) of clause (1) of article 102, shall not apply."

हमे भविष्य के लिए इस बात की गुंजाइश छोड़नी चाहिए कि कभी हमारा सिटिजेनशिप ऐक्ट 1955 वहा लागू हो जाय तो फिर कोई कठिनाई नही रहेगी, लेकिन जब तक लागू नही होता तब तक आर्टिकिल 102 के क्लाज (1) के सब क्लाज (डी) को हम वहा लागू करे इस बात की आवश्यकता नही है।

SHRI SWARAN SINGH: As a result of the discussion with the opposition leaders I have accepted two concepts. One is that the members of Sikkim to Lok Sabha will be elected by direct election on adult franchise and the second thing that we have accepted is that the members from Sikkim elected to the Lok Sabha and Rajya Sabha will be liable to the same disqualifications as are enumerated in our own Constitution, excepting the question of citizenship. The amendments standing in my name, namely, Nos. 51, 52, 53, 54, 55, 56 and 57 give affect to this. Although they are large in number, Amendment Nos, 52, 53, 54, 56 and 57 really renumber the paragraphs. Amendment No. 55 is a small amend ment which seeks to substitute for "preparation for" the words "preparation of the electoral rolls for". They are only consequential. The substantive effect of these amendments is to implement what I had stated in my opening speech. We are accepting these changes and it is in the light

thereof that several hon. Members have not moved their amendments. So, I would plead for the acceptance of these amendments.

श्री अटल बिहारी वाजपेयी हम लोगों ने यह जो सवाल उठाया है कि उन्हें राष्ट्रपति और उपराष्ट्रपति के चुनाव मे भाग लेने का मौका दिया जाय, इसका उत्तर नही देगे ?

अध्यक्ष महोदय : वह समर गुहा के जवाब मे देगे ।

SHRI SAMAR GUHA: As regards my amendment No. 60, while it has been said, at the request of the Government of India, to provide facilities to "students", it appears to me to be a *cacha* work. It should be replaced by the words "educational facilities". Suppose there is an educational institution in Sikkim; suppose there is a university in Sikkim. Suppose we want to have exchange of professors. Here, it is only providing the facilities for the students. There is no scope for exchange of professors. They can even set up a university there at Gangtok and we can help them there I want that both educational and employment facilities should be provided It is a very simple amendment I would request the hon. Minister to look into it. The better word will be "educational facilities". I would request the hon Minister to look into it

Now, I come to my amendment No. 61. We are giving facilities to Sikkimese students who settle in India. We are also giving facilities of employment to them through the Public Service Commission in Government and non-Government institutions. We are also giving facilities to them for associating with political institutions. We are giving many other facilities in economic and other fields. Suppose a large number of Sikkimese people settle in India. They will not get the facility of Indain citizenship and also the fundamental rights, the right of equality, the right of freedom of expression, the right of religion, etc., all the fundamental rights enshrined in the Constitution. I want to know what will be the position in that regard Will they be denied all this? On what basis, will they be given these facilities? Therefore, my amendment is that fundamental rights should be incorporated there.

I do not want to say about Amendment No. 62 and 63. Mr. Vajpayee has already said about them

About amendment No. 64, although the hon. Minister has accepted that there should be a direct election, they should be liable to be recalled by a resolution adopted by the two-thirds majority of the members of the Sikkimese Assembly. Suppose they have sent two Members, one to Lok Sabha and one to Rajya Sabha Suppose, they go against the ruling party there and they completely take a different stand. Will the Sikkimese Assembly have a right to recall them. I think, this idea of recall should be introduced.

About the participation in the election of the President and the Vice-President, we have given so many responsibilities to the President. They will be guided by all the orders of the President in many respects, in economic and other fields It is a peculiar thing that they will not have any say in choosing the President and the Vice President. I feel, they should be given the right to participate in the elections of the President and the Vice President.

SHRI KRISHNA CHANDRA HALDER (Ausgram): I want to know whether their election to Parliament, Lok Sabha and Rajya Sabha, will be held by the Election Commission of India?

SHRI SWARAN SINGH: I will be very brief with regard to the various

[Shri Swaran Singh]

points that have been raised. There are two or three amendments in which the concept of recalling a are two or three amendments in Member is contained. I am sorry this is a new idea for our Constitution....

PROF. MADHU DANDAVATE: There was one more amendment, No. 69. I had already moved that. I only want to say that, after the clarification that has been given by the hon. Minister that all those disqualifications will be there, I would not press my amendment.

SHRI SWARAN SINGH The idea of recalling a member is an absolutely new idea, and we cannot introduce it for the first time in our Constitution in relation to members from Sikkim. It has been suggested that the elected member may not be in tune with the members of the Assembly there in Sikkim. That can happen even with regard to our representatives, whether they are in the Lok Sabha or in the Rajya Sabha. The tenure of a member of Rajya Sabha is six years, and in between elections may have taken place in several States and new governments inducted; even new parties have come into power. They do not have any right to recall any member from the Rajya Sabha who had been sent by them. Therefore, this is a wider concept. If and when Parliament amends our Constitution and the right of recall is given to the electorate—and in that case the Assembly members constitute the electorate—, then you can extend it to Sikkim. You cannot introduce a novel idea for them.

Another suggestion has been made. Several hon. members have said that copies of the directions given by the President or of the decisions taken should be placed on the Table of the House. I would like to say, in principle, we want to keep the Parliament informed, and I give the assurance on behalf of the Government that we shall place on the Table of the House copies relating to sub-clauses (b), (c), (d) and (e) of sub-clause 2 of Clause 5—1 have omitted sub-clause (a) because you will kindly appreciate that defence, etc., are sensitive matters. But I would not accept any formal amendment. The reason is this. As a matter of fact, I was inclined to accept that, but my colleague, the Law Minister, and his other colleagues have pointed out that there are much more important directions, orders, etc., which the President gives which the Government gives, and there is no provision anywhere in our Constitution that copies of these should be placed on the Table of the House. Therefore, in view of this assurance, it is not necessary to have that amendment.

There are some amendments to this effect that we should incorporate in our Constitution provisions to ensure that what is incorporated cannot be altered. The object is that it should not be altered by Sikkim perhaps. I have said already that our understanding is that it cannot be unilaterally altered. If that statement is not enough, I do not know how, by having this formal incorporation in our Constitution, we can bind the Assembly of Sikkim. As a matter of fact, we should not have in the Constitution a provision which is illusory. It cannot be altered unilaterally. When it is incorporated in an agreement, it has to be done by mutual agreement. Merely saying that it cannot be altered in a formal manner does not bind them. That sanction will have to be something outside this, and I have already clarified the Government's position with regard to this.

SHRI SAMAR GUHA: What about educational facilities?

SHRI SWARAN SINGH: Regarding educational facilities, there is a clause here.

SHRI SAMAR GUHA: It is only that educational facilities will be given to students. Instead of that, if you had put 'educational facilities', it will be all-embracing.

SHRI SWARAN SINGH: The Bill is very clear:

> "The Government of India shall be responsible for providing facilities for students from Sikkim in institutions for higher learning in India and for the employment of people from Sikkim in the public services of India (including the All-India Services), at par with those available to citiens of India....."

It is very explicit. I do not know what more do you want. In fact this is a special concession we are giving them. They will be entitled to enter our Army, our defence forces, our administrative services and even our Foreign Service and we will amend the relevant rule....

SHRI SAMAR GUHA: I want educational facilities only for the students.

SHRI SWARAN SINGH: Something should be left for the administration also.

Having accepted some, in those cases where I cannot accept, I have indicated.

With regard to election of President and Vice-President, we gave a great deal of thought to it. Our main difficulty was that they are not in the Union. There is a calculation of the value of each vote. As you know it varies from State to State and involves calculation of units. For that reason, we came to the conclusion that in view of this associate relationship, at the present moment, it will not be quite wise to enable them to participate in the election of President and Vice-President. A point has been made that whereas the President will be issuing instructions, they have no right to elect the President. But they have a right to throw out the Governments because they participate in the voting here in Parliament. If they are against us, their vote will be counted. The President acts on the advice of the Cabinet, according to our constitution. So, to have this right will only be illusory, We are giving them the real right even though a statutory right for Residential election is not there.

I would, therefore, request that th rest of the amendments—some of them are merely verbal and we have drafted it with great care—should be withdrawn.

MR. SPEAKER: I will now put Shri Madhu Limaye's amendments, amendments Nos. 16, 17, 18, 19 and 20, to the vote of the House.

Amendments Nos. 16 to 20 were put put and negatived.

MR SPEAKER: I will now put amendments Nos. 22, 23 and 24, 27, and 28 of Shri Bhogendra Jha to vote.

Amendments Nos. 22 to 24 and 27 and 28 were put and negatived.

MR. SPEAKER: I will now put the amendments Nos. 31, 32 and 33 of Shri Nurul Huda to vote.

Amendments Nos. 31 to 33 were put and negatived.

MR. SPEAKER: I will now put amendments Nos. 34 and 35 to vote.

Amendments Nos. 34 and 35 were put and negatived.

MR. SPEAKER: I will now put amendments Nos. 45, 46, 47, 48 and 49 of Shri Atal Bihari Vajpayee to vote.

Amendments Nos. 45 to 49 were put and negatived.

MR. SPEAKER: I will now put the Government amendments to vote:

The question is:

'Page 3, *for* lines 8 to 31, *substitute*—

"(b) the representative of Sikkim in the Council of States shall

[Mr. Speaker]

be elected by the members of the Sikkim Assembly;

(c) the representative of Sikkim in the House of the People shall be chosen by direct election, and for this purpose, the whole of Sikkim shall form one Parliamentary constituency to be called the Parliamentary constituency for Sikkim

Provided that the representative of Sikkim in the House of the People in existence at the commencement of the Constitution (Thirty-fifth Amendment) Act, 1974, shall be elected by the members of the Sikkim Assembly,

(d) there shall be one general electoral roll for the parliamentary constituency for Sikkim and every person whose name is for the time being entered in the electoral roll of any constituency under the Government of Sikkim Act, 1974, shall be entitled to be registered in the general electoral roll for the parliamentary constituency for Sikkim;

(e) a person shall not be qualified to be the representative of Sikkim in the Council of States or the House of the People unless he is also qualified to be chosen to fill a seat in the Sikkim Assembly and in the case of any such representative—

(i) clause (a) of article 84 shall apply as if the words 'is a citizen of India, and' had been omitted therefrom;

(ii) clause (3) of article 101 shall apply as if sub-clause (a) had been omitted therefrom;

(iii) sub-clause (d) of clause (1) of article 102 shall apply as if the words 'is not a citizen of India, or' had been omitted therefrom;

(iv) article 103 shall not apply,

(f) every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the People, as the case may be, for all the purposes of this Constitution except as respects the election of the Vice-President

Provided that in the case of any such representative, clause (2) of article 101 shall apply as if for the words 'a House of the Legislature of a State', in both the places where they occur, and for the words 'the Legislature of the State', the words 'the Sikkim Assembly' had been substituted,

(g) if a representative of Sikkim, being a member of the Council of States or the House of the People, becomes subject to any of the disqualifications for being a member of the Sikkim Assembly or for being the representative of Sikkim in the Council of States or the House of the People, his seat as a member of the Council of States or the House of the People as the case may be, shall thereupon become vacant;".(51)

Page 3, line 32, *for* **"(f)"** *substitute* **"(h)". (52)**

Page 3, line 35, *for* **"(e)"** *substitute* **"(g)". (53)**

Page 3, line 40, *for* **"(g)"** *substitute* **"(i)". (54)**

Page 3, lines 40-41, *for* **"preparation for"** *substitute* **"preparation of the electoral rolls for". (55)**

Page 3, line 46, *for* **"(h)"** *substitute* **"(j)". (56)**

Page 4, line 3, *for* **"(i)"** *substitute* **"(k)". (57)**

The motion was adopted.

MR. SPEAKER: Now I will put Shri Samar Guha's amendments to the vote of the House—Amendments Nos. 60 to 67.

Amendments Nos. 60 to 67 were put and negatived.

MR. SPEAKER: Now I will put Prof. Dandavate's amendment No. 69 to the vote of the House.

Amendments No. 69 was put and negatived.

MR. SPEAKER: I shall now put Clause 5 as amended to vote.

The voting has to be by division. Let the lobbies be cleared—

The lobbies have been cleared.

The question is:

"That Clause 5, as amended, stand part of the Bill."

Now, Division.

The Lok Sabha divided:

AYES

[21.48 hrs.

Division No. 23]

Achal Singh, Shri
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Applanaidu, Shri
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bade, Shri R. V.
Bajpai, Shri Vidya Dhar
Balakhishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakelshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasppa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsingh
Chaudhary, Shri Nitiraj Singh
Chaudhary, Shri Ishwar
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chhotey Lal, Shri
Chhutten Lal, Shri
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque
Daga, Shri M. C.
Dalbir Singh, Shri
Damani, Shri S
Darbara Sing
Das, Shri A
Das, Shri
Dassappa,

Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharia, Shri Mohan
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dumada, Shri L. K.
Durairasu, Shri A.
Dwivedi, Shri Nageshwar

Engti, Shri Biren

Gandhi, Shrimati Indira
Ganesh, K. R.
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan

Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.

Joshi, Shri Jagannathrao
Joshi, Shri Popatlal M.

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kale, Shri
Kamala Prasad, Shri
Kamble, Shri T. D.
Kamla Kumari, Kumari
Kapur, Shri Sat Pal
Karan Singh Dr.
Kasture, Shri A. S.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Lutfal Hauque, Shri

Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.

Mallanna, Shri K.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri L. N.
Misra, Shri Janeshwar
Misra, Shri S. N.
Modh, Shri Shrikishan
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Khuda Bukhsh, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Naik, Shri B. V.
Negi, Shri Pratap Singh
Nimbalkar, Shri

Pahadia, Shri Jagannath
Painuli, Shri Paripooranand
Palodkar, Shri Manikrao
Pandey, Shri Krishan Chandra
Pendey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Partap Singh, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.

Patel, Shri Prabhudas
Patel, Shri R R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradham, Shri K.
Purty, Shri M. S.

Qureshi, Shri Mohd. Shafi

Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Ram Dayal, Shri
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageshwara
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopal
Rao, Dr V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola

Ray, Shrimati Maya,
Reddi, Shri P. Antony
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal

Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri Sidram
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Salve Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Sashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Raja Ram
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Pof.
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri
Shukla, Shri B. R.
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Tiwari, Shri Chandra Bahal Mani
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vajpayee, Shri Atal Bihari
Vekaiia, Shri
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Virbhadra Singh, Shri
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Nil*

MR. SPEAKER: The result of the division is:

Ayes: 304; *Noes*: Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 5, as amended, was added to the Bill.

New Clause 6

SHRI MADHU LIMAYE I beg to move:

Page 4,—

After line 14, insert—

"1A. In article 1 of the Constitution, in Clause (3), after sub-clause (c), the following sub-clause shall be inserted, namely:—

'(d) such other States outside the Union and their territories as may accede to the Union on the basis of a Treaty of Accession

Explanation.—The Treaty may provide that the new States shall have the same constitutional status or a special associate status as may be defined in this Constitution on the basis of the Treaty,." (21)

PROF. MADHU DANDAVATE: I beg to move:

Page 4,—

after line 14, insert—

"6. In article 1 of the Constitution, in clause (3), after sub-clause (c), the following sub-clause shall be inserted, namely:—

'(d) associate States.'." (70)

श्री मधु लिमये . अध्यक्ष महोदय संविधान की धारा (1) और अनुच्छेद (3) मे यह कहा है ·

The territory of India shall comprise:

(a) the territories of the States:

(b) the Union territories specified in the First Schedule; and

(c) Such other territories as may be acquired.

मैं चाहता हू उसके बाद इसको जोडा जाये । अगर पहले से जुडा रहता तो आज यह सब करने की जरूरत हमको नही पड़ती ।

यह इस प्रकार से (डी) रहेगा .

"such other States outside the Union and their territories as may accede to the Union on the basis of a Treaty of Accession

Explanation.—The Treaty may provide that the new States shall have the same constitutional status or a special associate status as may be defined in this Constitution on the basis of the Treaty'."

मै चाहता हू हमारे सविधान मे थोडा सा लचीलापन हो । इस तरह का प्राविधान उसमे होना चाहिए ।

SHRI SWARAN SINGH· It is not necessary to accept the amendment.

PROF. MADHU DANDAVATE: Sir, there is one amendment only that 'The territory of India shall comprise:

(a) the territories of the States:

(b) the Union territories specified in the First Schedule; and

*The following members also recorded their votes for Ayes: Sarvashri R. K. Khadilkar, Kartik Oraon, Devinder Singh Garcha, Natwarlal Petel, K. K. Shetty, Sakti Kumar Sarkar and Anant Prasad Dhusia.

[Prof. Madhu Dandavate]

(c) such other territories as may be acquired and

(d) associate States.'."

Really speaking, the amendment which I venture to suggest is consequential. And all of us have accepted that the position of Sikkim will be that of an associate states and therefore, I want that to be added on to this part of the Constitution so that there would be no difficulties as far as the validity of the Constitutional provisions is concerned.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, महोदय अगर भविष्य में कोई राज्य हमारे साथ आना चाहे या तो एसोसिएटिड के रुप में या भारतीय संघ के सदस्य के रुप मे तो उसके लिये स्थाई व्यवस्था होनी चाहिये। अभी हम कहते हैं रिटरी क्वायर करेंगे ।

MR. SPEAKER: Then, it is a much wider question.

श्री अटल बिहारी वाजपेयी : यह वाइडर क्वैश्चन है। अगर सरकार आज फैसला नही कर सकती है तो सोचने के लिये अपना दिमाग खुला रखे।

MR. SPEAKER: The Minister is not accepting the amendment. No. 21 moved by Shri Limaye.

I shall now put amendment No 21 to vote.

Amendment No. 21 was put and negatived.

MR. SPEAKER: I am also putting the amendment No. 70 moved by Prof. Dandavate to vote.

Amendment No. 70 was put and negatived.

Clause 1 (Short title and commencement)

MR. SPEAKER: Now, we take up clause 1. There are amendments by Shri Madhu Limaye and Shri Swaran Singh.

SHRI SWARAN SINGH: Sir amendment No. 50 stands in my name. This is the only correction I want to make. After the Bill is drafted another Constitution Amendment Bill had been approved by the House. And so the verbal amendment.

I beg to move:

Page 1, lines 3 and 4,

for "(Thirty-Sixth Amendment)",

substitute "Thirty-fifth Amendment)" (50).

MR. SPEAKER:

अच्छा हां किया, इसको अभी कर लिया ।

I shall put amendment No. 50 moved by Shri Swaran Singh to vote:

The question is:

'Page 1, lines 3 and 4,

for "Thrity-sixth Amendment)",

substitute "Thirty-fifth Amendment)". (50)

adopted

The motion was moved:

MR. SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The Lok Sabha divided:

Division No. 24]
[21.56 hrs.

AYES

Achal Singh, Shri
Agarawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri

Ansari, Shri Ziaur Rahman
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bade, Shri R. V.
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhaura, Shri B. S.
Bheeshamdev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chaudhary, Shri Ishwar
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chhotey Lal, Shri
Chhutten Lal Shri
Choudhary, Shri B. E.
Choudhury, Shri Moinul Haque
Daga, Shri M. C.
Dalbir Singh Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasapp, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri S. N. Smgh
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dumada, Shri L. K.
Durairasu, Shri A.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Gangadeb, Shri P.
Garcha, Shri Devinder Singh
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra

Gotkhinde, Shri Annuasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Isaque Shri A. K. M.
Jadeja, Shri D. P.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Joshi, Shri Jagannathrao
Joshi, Shri Popatlal M.
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kale, Shri
Kamala Prasad, Shri
Kamble, Shri T. D.
Kumla Kumari, Kumari
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kasture, Shri A. S.
Kathamuthu, Shri M.
Kaul Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Mahraj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna Shri K.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri L. N.
Misra, Shri Janeshwar
Misra, Shri S. N.
Modi, Shri Shrikrishna
Mohammad Tahir, Shri
Mohammad Yusuf, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Khuda Bukhsh, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.

Naik, Shri B. V.
Negi, Shri Pratap Singh
Nimbalkar, Shri

Oraon, Shri Kartik

Pahadia, Shri Jagannath
Painuli Shri Paripoornanand
Palodkar, Shri Mamkrao
Pandey, Shri Krishna Chandra
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Partap Singh, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhani, Shri K.
Purty, Shri M. S.

Qureshi, Shri Mohd. Shafi

Raghu Ramaiah, Shri K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Ram Dayal, Shri
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Dr. K. L
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R: Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ray, Shrimati Maya
Reddi, Shri P. Antony
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri Sidram
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath

Sadhu Ram, Shri
Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Salve, Shri N. K. P.
Sumanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra

Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankarnand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Raja Ram
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Prof.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri
Shukla, Shri B. R.
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri

Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shanker
Thakre, Shri S. B.
Tiwari, Shri Chandra Bhal Mani
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.

Uikey, Shri M. G.
Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari
Vekaria, Shri
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Virbhadra Singh, Shri

Yadav, Shri Chandrajit
Yadav, Shri D. P
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P

NOES Nil

MR. SPEAKER: The result of the division is:

Ayes: 306; Noes Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 1, as amended, was added to the Bill

The Enacting Formula and the Long Title were added to the Bill.

SHRI SWARAN SINGH: I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

SHRI H. N. MUKERJEE (Calcutta-North-East): Sir, a Legislation of this sort partakes of cermonial character and we owe not only to ourselves but to the people of Sikkim to pay parliamentary respect to every stage of the debate and that is why I wish to make a few observations.

It is a happy thing that so many of us have been able to, in spite of the misgivings in the beginning, persuade ourselves to accept this Bill. Our misgivings were due to the fact that the Government came before us rather abruptly. Our misgivings owed themselves to the fact that we did not have an opportunity of having an adequate discussion of the many grave issues involved. But all those misgivings have been removed and we have happily accepted this arrangement We are happy because Sikkim is no longer a protectorate but is a State associated on terms of freedom with our country and this is a development which has historic significance which, I hope, the Foreign Minister himself would reiterate for the whole world to hear.

For myself, Sir, I am not at all disturbed by any shift in emphasis in our Constitution from federality to confederality. As a matter of fact. Sir, we in this country have dreamt of one India south of the Himalayas. It was in the Vishnu Purana, nearly sixteen hundred years ago that the concept of India was put forward which referred to this entire land mess.

उत्तर यत समुद्रस्य हिमद्रेश्चैव दक्षिण वर्ष
तद्/भारतम भारती यस्ये सन्तति

That was the idea, But, Sir, throughout the centuries, we have not been able to achieve that sort of unity. That idea is still before us, and when Mr. Madhu Limaye was speaking in a way, which rather disturbed me, I recalled the vision of his own leader, the late Ram Manohar Lohia, who at that point of time propagated the notion of a Federation embracing different States, which are in this peninsula of ours. Sir, I am not at all frightened in this shift of emphasis from federality to confederality. I am not frightened also about the likely developments inside our own country, I do not like my friend, Shri Swaran Singh, saying that we should not rouse the feelings in this country in Nagaland or Tamil Nadu or Mizoram or elsewhere. But, I am not afraid of my people My friend, Shri Swaran Singh has said that also. My people can take charge of the future of this country and if it becomes necessary for our country with its own different components to achieve unity in diversity by certain methods of political development, we shall do so. We shall be able to with the strength of the Indian people and the spiritual values developed over the ages, achieve that.

We have taken the first step.

प्रयारम्भ शुभाय भवत

May this beginning do common good to our country and to our Parliament;

I accord my support.

श्री मधु लिमये : मेरा उन्होंने नाम लिया इसलिये में स्पष्टीकरण करना चाहता हू । अपने भाषणों मे मैंने कहीं भी कनफ्रैडरेलिटी की कल्पना का विरोध नही किया है। बल्कि मेरे सशोधन को देखेंगे तो इस को मानने वाले ही मेरे संशाधन है मगर यह सरकार महासंघ की कल्पना को कहां मानती ह ?

SHRI P. K. DEO (Kalahandi): Mr. Speaker, Sir, very soon this Bill is going to become a law and it is going to be in our Statute book. Today will go down in history as red letter day for the most dymanic decision we

[Shri P. K. Deo]

have taken in associating the destiny of the people of Sikkim with that of ours. Sir, at the same time, I would like to draw the attention of the House to the backwardness of the area. Formerly, the *Lupchas* used to stay there. Then, the *Bhutias* came; they came in larger numbers and from among the *Bhutias* one of them became the Chogyal Now, they have been out-numbered by the Nepalese. They are joining the mainstream of the Indian life. We should see that their identity is properly preserved; that we do not out-number them and see that the area is fully developed.

22 00 hrs

There are regional disparties in the economic developments of this country. If they are made to believe that they are being brought to Utopia, soon they will be disillusioned. If we do not fulfil our basic task of development and make them enjoy the freedom from exploitation, then again they will be disillusioned So we have to fulfil the task of economic development that has fallen on our shoulders.

श्री शंकर देव (बीदर) मुझे दो मिनट ही चाहिए । मुझे बड़ी खुशी है कि भारत की विदेश नीति का यह परिणाम है कि आज हमारे पड़ोसी देश हमारे बहुत नजदीक आ रहे हैं । यह जो इंण्डिया का फेडरेशन है यह बढ़ रहा है मैं तो ऐसा समझता हूं कि एक दिन ऐसा आएगा जब सारा जगत नजदीक आएगा, और वर्ल्ड की यूनिटी हो कर रहेगी और वर्ल्ड का फेडरेशन बन कर रहेगा और उस वक्त सब 'जय जगत' कहेंगे और 'जय हिन्द' को भूल जाएंगे ।

SHRI SWARAN SINGH: I should like to take this opportunity of conveying our greetings and best wishes to the people of Sikkim on for every success in their new chosen path of democratic institutions. I am sure that the historic decision which is now being taken by the Indian Parliament to give the representatives of Sikkim a place of equality among us will always be an important facter in strengthening the democratic forces in Sikkim and will also cement relations between India and Sikkim, relations of friendship, understanding and co-operation. I should like to reiterate that we respect the distinct identity of Sikkim. Any talk of either annexation or marger is aboslutely beside the point I am sure the angry and premature reactions that have emanated from certain quarters will no longer hold the ground when the real situation is appreciated by the countries in our neighbourhood. This is a decision which we have taken in the interest of the people of Sikkim and India. This Friendship between India and Sikkim will never be used to the detriment of any other country or to international community I am sure that when they understand the real basis of our relationship they will fully support it is decision of ours which has been taken by the full play of democratic forces I should like also to take this opportunity to assure the people in Sikkim that their development and their welfare and their association with us now casts a responsibility on us and it will be for this Parliament to ensure that we make significant contributions to their development and their progress and strengthen their economy and also enrich their culture. I would therefore plead that this be accepted by the House aned

MR. SPEAKER: The lobbies have been cleared. The question is:

"That the Bill as amended, be passed."

The Lok Sabha divided:

Division No. 25] **[22.10 hrs.**

AYES

Achal Singh, Shri
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bade, Shri R. V.
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shri S. M.
Banerjee, Shrimati Mukal
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chaudhary, Shri Ishwar
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chawla, Shri Amar Nath
Chhotey Lal, Shri
Chhutten Lal, Shri
Choudhary, Shri B. E
Choudhury, Shri Momul Haque
Daga, Shri M. C.
Dalbir Singh, Shri
Damani, Shri S. R.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri S. N. Singh
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharia, Shri Mohan
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dumada, Shri L. K.
Durairasu, Shri A.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Gangadeb, Shri P.
Garcha, Shri Devinder Singh
Gautam, Shri C. D.

Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Gohain, Shri C. C.
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan

Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.

Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Joshi, Shri Jagannathrao
Joshi, Shri Popatlal M.

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kale, Shri
Kamala Prasad, Shri
Kamble, Shri T. D.
Kamla Kumari, Kumari
Kapur, Shri Sat Pal
Karan Singh, Dr.
Kasture, Shri A. S.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshmikanthamma, Shrimati T.
Lakshminarayanan, Shri M. R.
Laskar, Shri Nihar
Lutfal Haque, Shri

Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahata, Shri Debendra Nath
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Jivraj
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri L. N.
Misra, Shri Janeshwar
Misra, Shri S. N.
Modi, Shri Shrikishan
Mohammad Tahir, Shri

Mohammad Yusuf, Shri
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Khuda Bukhsh, Shri
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Naik, Shri B. V.
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Marikrao
Pandey, Shri Krishna Chandra
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Partap Singh, Shri
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Raj Bahadur, Shri
Rajdeo Singh, Shri
Ram Dayal, Shri
Ram Dhan, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Shri K. L.
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ray, Shrimati Maya
Reddi, Shri P. Antony
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri Sidram
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saini, Shri Mulki Raj
Sait, Shri Ebrahim Sulaiman
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sankata Prasad, Dr.

Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Shri R. N.
Sharma, Dr. Shankar Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Raja Ram
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Sher Singh, Prof.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri
Shukla, Shri B. R.
Siddayya, Shri S. M.
Siddheshwar Prasad, Shri
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Schan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Tiwari, Shri Chandra Bhal Mani
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Vajpayee, Shri Atal Bihari
Vekaria, Shri
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Virbhadra Singh, Shri
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Dutta, Shri Biren
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Huda, Shri Noorul
Reddy, Shri B. N.
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar

MR. SPEAKER: The result of the division is:

Ayes: 310; *Noes*: 7

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

22.10 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, September 5, 1974/Bhadra 14, 1896 (Saka).

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